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MEXICAN FISHERY LEGISLATION

FISHERY LEAFLET 260
FISH AND WILDLIFE SERVICE
UNITED STATES DEPARTMENT OF THE INTERIOR

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MEXICAN FISHERY LEGISLATION

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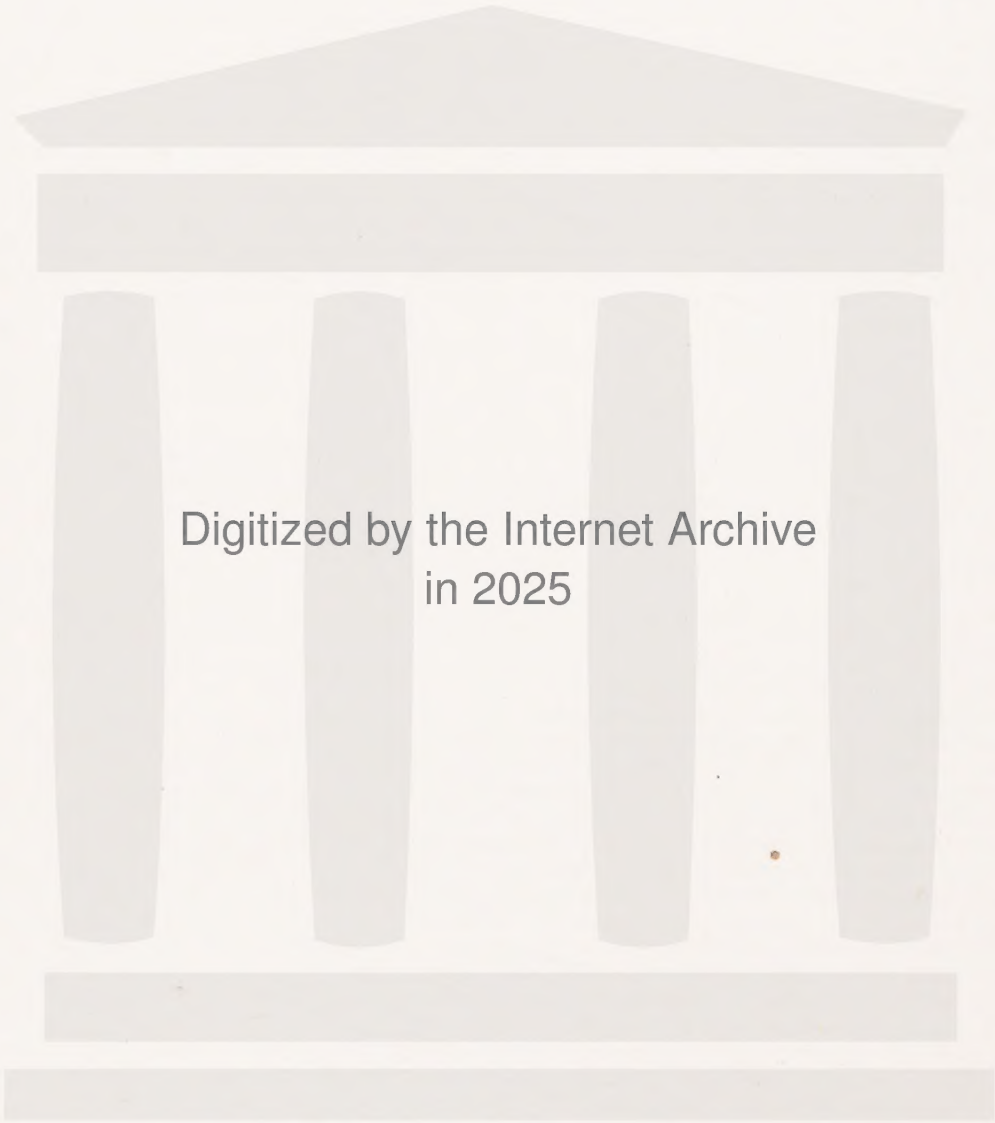

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MEXICAN FISHERY LEGISLATION

INTRODUCTION

In recent months considerable interest has been manifested by the American fishery industry in obtaining information relative to Mexican fishery legislation. The latest compilation of Mexican fishery laws was published in Spanish in 1939 by the Mexican Government and it did not contain all of the laws then in effect.

As the author was unable to find any source containing a complete codification of Mexican fishery legislation, he resorted to reviewing the Daily Mexican Government Journal, "Diario Oficial", wherein all legislation is published. The "Diario Oficial" has been searched for the present work from January, 1925 through April 1947. This report contains, in addition to what is believed to be a complete set of laws pertaining to marine fisheries, pertinent portions of the laws on the subjects of communications, territorial waters, import and export duties and cooperatives.

There are two sections to this report. The first section contains a brief discussion of Mexican legislation considered to be of interest to the American fishery industry. The second section consists of 73 appendices wherein the various Mexican laws are given in translation.

Some of the translations are from records of the United States Government. The others were made jointly by Miss Janet Part, Clerk of the United States Fishery Mission to Mexico, and the author. All translations are unofficial.

The appendices, unless otherwise mentioned on the first page of each, are currently up to date as of April 30, 1947. It should be noted that since the dates of enactment of many of these laws, the control of the fisheries has been transferred on several occasions to different branches of the Mexican Government. At present, control lies with Directorate General of Fisheries and Allied Industries of the Ministry of Marine (Secretaria de Marina, Direccion General de Pesca e Industrias Conexas). Therefore, wherever mention is made of the Ministry of Agriculture and Development, the Department of Marine or the Department of Forestry, Hunting and Fishing, the authority original granted these various agencies now is vested in the organizations mentioned in the preceding sentence.

. . . . . .

MEXICAN FISHERY LEGISLATION

GENERAL

Mexican legislative thought with respect to the fisheries is divergent in several major aspects from that prevalent in the United States. The differences stem from the Spanish heritage of a centralized government ruled by a monarch as against the American concept of sovereign states relinguishing certain rights to the Federal Government. The Mexican principles are reflected in her fishery legislation which differs from that of the United States primarily as follows:

1. Complete control of the fisheries is vested in the Federal Government.

2. The executive branch has great authority. Other than the basic legislation, which is approved by the Congress, fishery regulations are established by executive orders or decrees. With the exception of one instance the agents of the executive branch of government may determine the penalties for all violations of the fishery laws.

3. Special privileges are granted individuals or certain groups of individuals.

Mexico's claim of nine nautical miles for territorial waters as against the United States claim of three does not arise from the same source as do those general principles mentioned above.

Mexico has three general laws covering fishing activities, (the Fishery Law of August 31, 1932, Appendix I; the Regulation of the Fishing Law of January 27, 1933, Appendix II; and the Law of the Pacific Ocean and Gulf of California of December 26, 1938, Appendix III); two tax laws (Tariff Act of January 20, 1933, Appendix IV; and Tariff for Commercial and Sport Fishing of November 17, 1939, Appendix V); and a number of special decrees and orders. The first two mentioned laws and the first mentioned tariff act govern fishing activities throughout the Republic, whereas the Law of December 26, 1938 and the Tariff of November 17, 1939 are special in their application, pertaining only to foreign boats and only to the waters of the Pacific Ocean and the Gulf of California. No special acts have been created covering fishing by foreign boats in the waters of the Gulf of Mexico and the Caribbean Sea, hence the Law of August 31, 1932, the Regulation of January 27, 1933, and the Tariff of January 20, 1933, apply to these latter waters.

The ownership of territorial waters is vested in the Federal Government and by inference so are the fishery products contained within these waters. This is established by Article 27 of the Constitution (Appendix VI), paragraph 4 of which begins:

> "In the Nation is likewise vested the ownership of the waters of the territorial seas....."

From this comes the fact that the states have no jurisdiction over the fisheries and all laws pertaining to the fisheries are of federal origin. This is further established by Articles 6, 7 and 11 of the Law of August 31, 1932 (Appendix I). Likewise the Federal Government is the only authority that can tax the fisheries. (Appendix I, Art. 11)

The above practice is considerably at divergence with that of the United States where it is generally recognized that the individual states have control of the fisheries within their borders.

In Mexico the federal power is supreme and extremely broad in its coverage as evidenced by Article 7 of the 1932 Law which states:

> "..... the Federal Government ..... may at any time restrict, limit and regulate fishing, as regards the intensity of the activities devoted to it, the number of persons engaged in it, the times when it may be effected, and the species which may be caught."

MEXICAN FISHERY LEGISLATION

In accordance with Mexican theory, the agencies empowered to enforce the fishery regulations also as a rule have greater powers than do similar agencies in the United States. The authority for enforcing the above cited Article 7 is delegated to the ministry in charge of fisheries and according to Article 29 of the Law of August 31, 1932 (Appendix I) the same agency shall decide all penalties for violations of the fishery laws. No provision is made for court trial with the exception of the instances wherein a boat may be found fishing without permit (Appendix II, Arts. 119 and 120).

Mexico has various balances and counterbalances amongst several ministries in connection with the fisheries. For example, both the Ministry of Marine and the Ministry of Communications and Public Works must approve fishing enterprises (Appendix I, Art. 8 and Appendix VII, Art. 8). Similarly the Ministry of Treasury and Public Credit collects taxes and supervises fishing activities for fiscal purposes in foreign and local ports (Appendix III, Art. 11).

OPERATION OF FOREIGN BOATS

Inasmuch as the people of Mexico have not entered into fishing enterprises to any great extent except in recent years the Government, as a means of obtaining revenue, has allowed foreign boats (these boats have been almost exclusively American) to fish within the territorial waters of Mexico. The American shrimp boats recently working Mexican waters in the Gulf of Mexico were not paying any revenue to the Federal Government and this was one of the primary reasons for prohibiting these boats from operating. Peculiarly enough, because shrimp are reserved for cooperative fishermen and because these fishermen have special privileges there is no way at present whereby foreign boats can be permitted to catch shrimp and still pay the revenue the Government believes her due. To overcome this anomaly new legislation will have to be enacted.

The continuance of foreign fishing boats in Mexican waters is permitted merely by sufferance. Article 193 of the Law of General Ways of Communication (Appendix VII) reads:

> "Although the privileges mentioned in this article constitute an exclusive prerogative for Mexican merchants ships, foreign ships with the permission of the Ministry of Communications, as long as the latter deems it advisable, may:
>
> "..... IV. Effect fishing services in national waters ..... "

It was on the basis of this article that all foreign boats were recently excluded from fishing in Mexican waters, with the exception of those specifically provided for under the December 26, 1938 Law. As the 1938 Law covers only the West Coast of Mexico, all fishing by foreign boats in Mexican waters of the Gulf of Mexico has been suspended.

Tuna

The Law of December 26, 1938 (Appendix III) was created to cover the special case of boats hailing from Califronia ports, fishing in Mexican waters, and discharging their products in California ports. It was designed primarily for the tuna fleet although market boats were also taken into consideration. The market boats generally sail from San Diego, California to nearby Mexican waters for fish for the fresh-market trade.

Boats operating under this act must comply with all its provisions and in addition with those of any other act in force (Appendix III, Art. 2-IV, and Art. 15). Such boats consequently must have permits from both the Ministry of Communications and the Ministry of Marine.

The species of fishes which can be taken are limited by Article 1 to:

> "..... species which can be packed and all those which do not require a special authorization."

Those species requiring special permits according to Articles 72 to 101 of the Regulation of January 27, 1933 (Appendix II) are: whales, lobsters, shrimp, pearl oysters, abalones, turtles, alligators, seaweed, totoaba and sponges. More recently the sharks have been classified as requiring special permits (Appendix VIII). None of the above species, therefore, can be taken by foreign boats operating under the Law of December 26, 1938.

Fishing permits are either local, e. g., for one federal entity, or general, e.g., for two or more federal entities (Appendix I, Art. 20, and Appendix II, Arts. 21-24). A general permit must be secured to fish under the provisions of the Law of December 26, 1938 (Appendix III, Art. 2-J). In addition, various other permits must be obtained, namely: annual use of foreign boats, annual registry of vessel, annual registry of nets, annual identification cards for fishermen, and "Via la pesca" clearances for each trip (Appendix V). These various permits are designed for the purpose of raising revenue and also to enable the Mexican Government to work with groups of fishermen rather than through individuals. Apparently, and probably justifiably so, the Mexicans believe that an individual is not nearly so responsible as a group of individuals. For this reason they encourage the permissionnaire system.

Under the 1938 Law, a permissionnaire is an individual or an organization standing responsible for a group of boats fishing in Mexican waters. The permissionnaire is required to post a cash guarantee which may amount to 50,000.00 pesos (Appendix I, Art. 23; Appendix III, Art. 5-V, and Appendix II, Art. 43). The permissionnaire is jointly and severally responsible for the acts of any fisherman operating by means of his permit (Appendix I, Art. 27 and Appendix II, Art. 124). The permits must be renewed annually, and on all appears the famous "Calvo" clause (Appendix II, Art. 24, Appendix VI and Appendix II, Art. 29). This latter is very nicely stated in Article 29 of the Regulation of January 27, 1933, which reads:

> "When the holder of a concession or permit is a foreign company, individual or juridical entity, the following clause shall be inserted: 'The concessionnaire or licensee expressly declares that, for all purposes of this authorization, he agrees to consider himself as a Mexican and therefore he shall not enjoy, with relation to its validity, interpretation and fulfillment, any greater rights or privileges than those granted by Mexican laws to citizens of the Republic. Consequently he renounces, for the purposes of this authorization, all his rights as a foreigner and binds himself especially not to request the diplomatic intervention of his country in anything relating thereto. He agrees, also, that this clause is an essential condition of his authorization and that non-observance thereof will cause such authorization to become null and void and make him liable, in addition, to the loss in favor of the Nation, of any works or investments that he may have made.'"

The permissionnaire can probably best be described as a ship's broker or agent with many responsibilities and very few privileges. Probably his most important privilege is that of taking under his wing as many boats as he deems fit. As a matter of fact, the more boats he has, the more money he makes, as a fee is levied on each boat for each trip. He secures the various licenses required by the Mexican Government and makes the necessary reports for the boat captains and in turn is responsible to the Mexican Government for the actions of the boats operating under his permit.

Each permissionnaire pays annually a maximum of 500.00 pesos for a general fishing permit and 2,000.00 pesos for use of foreign boats. If these permits are taken out in the United States there is an additional 25% charge as stipulated in Article 6 of the Tariff of November 17, 1939 (Appendix V). These fees are on a graduated scale depending on the tonnage of the boat, varying for the general permit from 50.00 pesos to 500.00 pesos for boats from two tons and under to boats of more than 200 tons, and for the use of foreign boats, from 50.00 pesos to 2,000.00 pesos for boats of two tons or less to those exceeding 100 tons net registered capacity (Appendix V, Art. 1-I and -II).

Article 1 of the 1939 Tariff provides:

> "When two or more boats are used, the tonnage is taken together and payment of the fees fixed in the two preceding subheadings is made on the basis of the total tonnage."

The two subheadings referred to are those for general permits and use of foreign boats.

It is this quoted provision, together with the cash bond requirement, that creates the permissionnaires.

Any one of the owners of the larger tuna boats, if he desired to operate in Mexico on his own would have to pay this 2,500.00 peso annual fee in addition to depositing a cash bond of up to 50,000.00 pesos. There is no point whatsoever in one individual carrying this burden if it can be shared amongst a group.

As has been stated, the permissionnaire is responsible to the fisherman for obtaining the latter's permit to fish in Mexican waters and he is also responsible to the Mexican Government for the compliance by the fishermen with all Mexican regulations. The Mexican fishery and treasury offices in California are for the purpose of issuing the necessary permits, seeing that the Mexican regulations are complied with, and collecting the revenue due the Mexican Government.

The general permits of the permissionnaires, including the depositing of bond, must be obtained from Mexico City (Appendix II, Art. 21). From this point on, the local Mexican offices in San Diego and San Pedro are in charge. On the basis of the general permit to the permissionnaire the local offices issue the individual boat general permit, the use of foreign boat registration, the annual registry of vessels, the annual registry of nets, the fishermen's identification cards and the "Via la pesca" clearances.

The local offices are supposed to check: the net tonnages of the boats each year or whenever a modification occurs, the dimensions of the nets used for taking bait or fish, and, according to Article 30 of the 1933 Regulation (Appendix II), must inspect the cargo prior to unloading.

All fees and charges are collected by Mexican representatives of the Ministry of Treasury and Public Credit. These fees and charges are clearly defined in Appendix V and will not be repeated here. All of them are annual charges, the permits for which are valid for one year from the date of issuance, with the exception of the "Via la pesca" clearances. The fees for "Via la pesca" clearances are based on the net storage capacity of the boats and are charged for each trip, which cannot exceed 70 days. If the permits are taken out in the United States there is an additional charge of 25% for any and all of the above-mentioned charges and fees. Appendix XL gives an idea of the Mexican procedure in handling the various forms involved.

According to Article 12 of the 1938 Law (Appendix III), species taken under "Via la pesca" clearances are not subject to export tax. Although no specific statement is made excluding the exploitation tax, it has generally been conceded that this tax is covered by the "Via la pesca" fee.

The only violation requiring mandatory court action is that of foreign boats carrying out fishing activities in Mexican waters. Article 14 of the Law of December 26, 1938, (Appendix III) provides:

> "Vessels which, without fulfilling the requirements established in this Law ..... are discovered in territorial waters ..... operating with fishery products, the transportation thereof or any other activity derived from those above, shall be obliged to appear before the proper authorities in the nearest port in order that the case may be investigated and the responsibility thereof may be exacted." (Appendix III)

The wording of this article is broad and likewise the interpretation also has been broad.

Article 30 of the 1933 Regulation (Appendix II) states:

> "Holders of concessions or permits may not unload products captured, in the case of those destined for export, except in the port indicated in their authorization, nor without the cargo having been inspected by employees of the fishing office ....."

This provision coupled with the office hours of the inspectors has been the cause of many complaints from American fishermen, as it is sometimes difficult to locate the inspector.

The administration of the 70 day limit on "Via la pesca" clearances is another frequent cause for complaint (Appendix III, Arts. 9 and 10). Article 10 of the 1938 Law provides that these clearances must be returned at the end of the voyage and:

> "Failure to comply with the provisions ..... establishes the legal presumption which will admit no proof to the contrary, that other trips were effected under the permit granted "Via la pesca", each trip to be calculated at a rate of two days or fraction thereof following the one on which the corresponding statement should have been presented, and the sum ..... shall immediately be deducted from the amount of the guarantee which was posted to cover the permit, without this preventing the exacting of the corresponding responsibilities when this is applicable ..... "

On occasions, bait boats will enter Mexican waters only for bait, thence proceding to fishing grounds south of Mexico for tuna. In accordance with the above-cited regulation they are required to unload in the United States within 70 days. This prevents them from fishing out of Puntarenas, Costa Rica, or around the Galapagos Islands, for more than a brief period. There are both a freezing plant and a tuna cannery in Puntarenas. The purpose of Article 10 is, of course, to prevent the boats from making more than one trip with each "Via la pesca" chearance.

Because of Article 2, Section III-b of the 1938 Law (Appendix III), purse-seine boats have, on occasions, been prevented from operating in Mexican waters. This paragraph states:

> " ..... purse seines, lampara or ring nets ..... may be used only in the places authorized therefor by the Executive ..... "

At present these types of gear are provisionally authorized to be operated in Mexican waters of the Pacific Ocean and the Gulf of California (Appendix IX). At any time, upon the issuance of an Executive Order, persons using these gear may be refused permits or the areas in which they may operate can be definitely restricted.

Transitory Article 5 of the 1938 Law (Appendix III) gives the Federal Executive the power to increase or decrease, as he sees fit, the tariffs and penalties applicable to foreign boats.

The Law of General Ways of Communication provides in Article 194 (Appendix VII) that foreign boats operating in Mexican waters must "meet equal or better conditions than the Mexican boats." This is rather broad and could most probably be interpreted in several ways.

Shrimp

In addition to the above-cited regulations which apply specifically to foreign tuna boats operating along the Mexican West Coast, there are several provisions of the general regulations which apply specifically to shrimp fishing.

In the first place,

> "Fishery products other than shrimp, which are captured by the use of trawls ..... shall be wholly utilized or disposed of in the domestic market or national industry." (Appendix II, Art. 84 bis).

This same provision also occurs in Article 4 of the Resolution of April 15, 1939 (Appendix X). Similarly Section II of Article 59 of the 1933 Regulation (Appendix II) provides that it is unlawful

> "to throw into marine or fluvial waters ..... fishery products and their waste matter ....."

These regulations were created in 1939 but, in general, have not been enforced. Since the shrimp trawls catch at least as many worthless trash fish as they do shrimp, the enforcement of the above provisions certainly would interfere considerably with their operations if not entirely stop them.

Another 1939 rule, not now enforced, provides that

> "This Department (Fisheries) shall supervise the operations of the vessels equipped with trawls or drag nets, for which purpose it will place an inspector aboard each. The companies owning the vessels shall furnish free of charge lodging and meals on board such vessels ..... " (Appendix X, Art. 5)

Although this would not prohibit shrimp boats from operating, it would increase appreciably their cost of operation.

Somewhat along the same order, but probably only of general interest, is another of the 1939 promulgations which permits the use of floating packing plants and freezing ships only as auxiliaries to previously established similar shore plants, unless these ships are of Mexican registry (Appendix II, Art. 62).

Under present regulations only those foreign boats operating along the West Coast of Mexico under the regulations provided by the Law of December 26, 1938 (Appendix III) can fish in Mexican waters. There is no such law covering Mexican waters of the Gulf of Mexico and any foreign boats desiring to fish in these waters must come under Mexican registry and must abide by all the regulations required of Mexican boats.

> Note: On July 2, 1947, Mexico published a decree in the "Diario Oficial" (Appendix LXXIII) which lists and describes the fees applicable to foreign boats fishing in Mexican territorial waters of the Gulf of Mexico and the Caribbean Sea. With the exception of the waters involved, it is identical in wording to that pertaining to foreign boats operating along the West Coast. (Appendix V). It is too early to know the intentions, application or effects of this new decree.

American boats can be leased to Mexican fishing organizations but, of course, these boats must operate under Mexican registry. According to a reputable local attorney, a contract can be so drawn that at the expiration of a fixed period the boats so leased will be returned to the owners in good condition. It must be remembered in such instances that all Mexican claims against the boat have priority over any others, and in particular, any claims issuing from the labor laws are of first importance.

CONTRACT - CONCESSIONS

There is considerable confusion of thought amongst many Americans as to the value and significance of a fishing contract-concession. Much of this arises from the erroneous belief that Mexico grants exclusive concessions to individuals over an entire fishery or over a considerable extent of water together with almost complete freedom of operation.

A fishing contract-concession, in reality, is a contract between an individual or a juridical entity and the Government in which the grantee is bound to accomplish certain ends and the grantor may or may not allow certain privileges. In substance a contract-concession is, in general, a permit to establish a processing plant and to conduct fishing operations. Certain tax exemptions are given and a reserved fishery zone may or may not be granted. Upon termination of the contract or upon expiration of the allotted time (a maximum of 15 years) all material improvements, up to a sum specified in the contract, become the property of the Government.

In as much as many of the provisions regulating permits and permissionnaires also apply to contract-concessions and as the former have been dealt with in some detail no further discussion will be given here. Reference, however is made to Appendix I, Article 18, 22, 23,

24, 27, 28 and 29 and to Appendix II, Articles 4, 7, 9, 11 through 20 and 26 through 35. Reference is also made to Appendix XII, wherein a translation of a typical contract-concession is given.

[illegible], ETC.

Other than the specific fishery fees which are quite explicit as mentioned before and which appear in Appendices IV and V, it is extremely difficult to be assured of what other fees and taxes may be applicable unless one is a tax expert. As an example of this, reference is made to Appendix XIII, Art. 1, Section 6, wherein cooperatives are exempt from fishing and diving taxes. This has been interpreted by the Ministry of Treasury to mean only exploitation taxes. All other charges are considered to be fees and therefor not included within the exemption. The comments and references that follow are given for what they are worth and it is not considered that they may be complete.

According to the Decree of December 30, 1946 (Appendix XXXIV) it is judged that the following taxes may be applicable to the fisheries:

1. Import taxes
   a. 3% additional
2. Export taxes
   a. 10% additional
   b. 2% additional
3. Aforo tax
4. Stamp taxes on
   a. Sales contracts
   b. Insurance
   c. Freight
   d. Receipts
   e. 10% additional on all stamp taxes
5. Exploitation taxes
6. Fees for the furnishing of maritime, land and air services
   a. 10% additional

The import and export tariffs appear to be quite specific, as do the "aforo" taxes (Appendices XXXVII, XXXVI and XXXVIII, respectively). It should be noted that the units of weight referred to in each of the above are as defined in Appendix XXXVII.

The import duties are subject to a 3% additional charge over that shown in the import tariffs. Likewise the export duties are subject to additional taxes of 10% and 12%. The President is empowered to alter import and export taxes (Appendix XXXIV, Art. 7).

The aforo valuations listed in Appendix XXXVIII are subject to a tax of 12% of the evaluation shown. For example, fresh or frozen tuna has an aforo valuation of 40 centavos per net kilogram. The tax would be 12% of this valuation or 4.8 centavos per net kilogram. The aforo is actually an additional export tax. The aforo evaluation can be changed monthly by the Aforo Commission and is based on the increase in the value of the product from its evaluation as of February 1938.

Tax stamps are required on all bills of sale, insurance policies, freight bills and receipts in general. An additional charge of 10% of the amount of these taxes is also assessed.

The exploitation taxes are given in Appendix IV (Fraction 52-81). For Mexican boats and for foreign boats operating under "Via la pesca" clearances it is considered that the charges for these clearances are exploitation taxes (Appendix V).

The fees for the furnishing of maritime services are stated in Appendices IV and V and include such items as:

For Mexican boats (Appendix IV):

1. Permits
2. Contract-concession fees
3. Identification cards
4. Registry of vessels
5. Registry of gear
6. Use of foreign boats

For foreign boats (Appendix V):

1. General permit
2. Use of foreign boats
3. Registry of vessels
4. Registry of nets
5. Identification cards

In addition there is a charge for navigation permits as required by the communication laws (Appendix VII, Art. 193).

The fees for the furnishing of maritime services are also assessed an additional 10%.

All the fees and taxes contained in Appendix V, Article 1, relative to boats operating under "Via la pesca" clearances, are increased by 25% when the permits are taken out in the United States (Appendix V, Art. 6).

As an example of the revenue obtained from the major fishery taxes, there are given below in tabular form the amounts listed by the Mexican Fishery Department as having been received during 1941 in accordance with the various specific taxes and fees. Each item is in accordance with the particular tariff to which it refers. The tariff of February 1, 1933 is Appendix IV and the tariff of November 17, 1939 is Appendix V. For 1941, over 74% of the revenue Mexico obtained from her fisheries was derived from taxation of American boats operating off the West Coast of Mexico.

This table is from "Actividades Pesqueras de Mexico", Secretaria de Marina, 1941, p. 201.

OBJECT			RECEIPTS
I. TARIFF OF FEBRUARY 1, 1933.			
Fracs.	1-12.	Gen. permits for all waters	$ 6,400.00
Fracs.	13-26.	Local permits, large scale	25,480.00
Fracs.	27-36.	Local permits, small scale	3,943.00
Fracs.	37-42.	Special sport fishing permits	14,947.00
Fracs.	45-46.	Contract-concessions	1,770.00
Frac.	47.	Identification cards	9,499.00
Frac.	48.	Boat registration	8,183.00
Frac.	49.	Net registration	1,979.75
Frac.	50.	Trawl registration	720.00
Frac.	51.	Diving gear registration	760.00
		Carried forward	73,681.75

OBJECT					RECEIPTS
I. TARIFF OF FEBRUARY 1, 1933 (Cont.)					
			Brought forward		$ 73,681.75
			EXPLOITATION FEES:		
Fracs.	52-69.		On edible products	$185,205.57	
Fracs.	70-81.		On industrial products	19,143.18	204,348.75
Frac.	82.		Use of foreign boats		4,552.00
Fines					1,178.28
				Total:	283,760.78
II. TARIFF OF NOVEMBER 17, 1939.					
Art. 1	Frac.	I.	General fishing permits		3,000.00
Art. 1	Frac.	II.	Use for. boats comm. fishing		12,000.00
Art. 1	Frac.	III.	Boat registr. comm. fishing		70,027.20
Art. 1	Frac.	IV.	Net registration		15,453.16
Art. 1	Frac.	V.	Ident. cards comm. fishing		10,914.00
Art. 1	Frac.	VI.	"Via la pesca" clearances (Same as exploitation fees) 1/		1,647,275.00
Art. 2	Frac.	I.	Special sport fishing permits, foreign boats		800.00
Art. 2	Frac.	II.	Use for. boats sport fishing		2,000.00
Art. 2	Frac.	III.	Reg. for. boats sport fishing		1,225.50
Art. 2	Frac.	III.	Ident. cards, sport fishing		216.00
Art. 3	Frac.	I.	Spec. sport fishing permits, national boats		145.00
Art. 3	Frac.	II.	Reg. national boats, sport fishing		271.76
Art. 3	Frac.	II.	Ident. cards, sport fishing		14.00
Art. 4	Frac.	I.	Permits sport fishing, private yachts		1,950.00
Art. 4	Frac.	II.	Permits sport fishing, private yachts and boats		16.00
Art. 4	Frac.	III.	Reg. boats, sport fishing		1,044.00
Art. 4	Frac.	IV.	Ident. cards, sport fishing in yachts		119.50
Art. 5	Frac.	I.	Individual fees, for. boats, sport fishing		56,172.50
Art. 5	Frac.	II.	Mex. or private boats, sport fishing		2,470.00
Art. 6	25%		Additional for payments made abroad on Article 1 fees		182,121.12
Fines					7,224.64
				Total:	2,014,459.38
III. EXPORTS					
Export Duties, Aforos, etc. 2/					412,858.00

1/ Shown as "Exploitation Fees" in other tables due to being of that nature.

2/ Figures supplies by the Customs Offices.

In addition to the exemptions given cooperatives which shall be discussed later, local packing plants are exempt from exploitation taxes (Appendix IV, Art. 3). New industries are also exempt from various taxes, but these will not be treated.

In the Reciprocal Trade Agreement (Appendix XXXIX) Mexico fixed the import duties on canned salmon and canned California sardines at 70 centavos per legal kilogram, which was the duty rate at that time. The United States, on the other hand, reduced the duty by 50% on Mexican totoaba, shark fins and canned tuna. The concession on tuna can be revoked upon six months notice any time after the termination of the national emergency. The United States also froze free fish sounds, fish livers, shark skins, fish scrap and meal for fertilizers, fresh or frozen spiny lobsters, fresh or frozen shrimp, and abalone.

Of the above-mentioned free items, shrimp is now the subject of much discussion amongst our shrimp fishermen, who are threatening an attempt to restrict the amount of Mexican shrimp that can enter the United States.

Mexico has both free zones and free ports which have certain advantages with respect to the fisheries. The free zones are all of Lower California and a portion of Sonora bordering on the Colorado River (Appendix XLI) and Chetumal and Cozumel in Quintana Roo (Appendix XLII). The free ports are Salina Cruz and Matias Romero, Oaxaca, Puerto Mexico, Veracruz, and Topolobampo, Sinaloa (Appendix XXXV).

According to the Law of Mexican Free Ports (Appendix XXV, Art. 25-V):

> "Fishery products from the high seas, destined for export, are not subject to export duties."

Fishery products from territorial waters, which are introduced into free ports,

> "are considered as domestic products and therefore the corresponding export duties must be guaranteed ....." (loc. cit. Art. 25-IV).

Fishery products which are industrially produced, manufactured or transformed in free ports and zones are not subject to export duties (Appendix XLIII, Art. 419).

Free ports and zones are given further protection by Article 420 of the Customs Law which provides that foreign merchandise similar to that produced in the free ports and zones, and entering them, must pay the import duties (Appendix XLIII). For fishery products, this is further strengthened by Circular No. 301-10-16 (Appendix XLIV) which specifically makes the above applicable to Lower California.

COOPERATIVES

Mexico has been cooperative-minded and for this reason, many special privileges are granted to cooperatives.

A fishing cooperative is restricted in membership to active fishermen. There must be at least ten fishermen to organize a cooperative. Each cooperative must join a federation if one exists in the area. The federations are regional and in accordance with the product, which means that the federations cover one specific area and only fishing cooperatives can belong to a fishing federation. The federation is supposed to represent the various affiliated cooperatives and should be for the purpose of selling and buying in common the products of and the purchases for the member cooperatives. The federation is comprised of representatives from each cooperative and there cannot be more than three representatives from any one cooperative.

The federations are banded into the National Cooperative Confederation. This latter is a national organization which is supposed to represent all the federations regardless of their nature. No federation can have more than two representatives in the Confederation.

The Confederation may also buy and sell in common the products of the federations.

According to the Mexican Fisheries Department, in the various federal entities there are the following numbers of legally recognized fishing cooperatives (as of May 7, 1947):

Lower California	21
Sonora	21
Sinaloa	19
Nayarit	4
Colima	1
Michoacan	2
Guerrero	2
Oaxaca	2
Chiapas	12
Chihuahua	1
Hidalgo	3
Mexico	1
Tlaxcala	1
Tamaulipas	7
Veracruz	19
Tabasco	3
Campeche	5
Yucatan	1
Total	125

The membership varies in number from 11 to 538 individuals. In all, there are 7,639 fishermen listed as members of legally recognized cooperatives. As shown in the tabulation below, the majority (64%) have a membership of 50 or less persons.

No. of members	No. of cooperatives	% of total
11-50	80	64.0
51-100	26	20.8
101-150	12	9.6
151-200	3	2.4
201	4	3.2
Totals	125	100.0

Where federations exist, the fishing cooperatives are required to be affiliated with the federation. Some cooperatives (It is understood that there are not many of these) have become separated from the federations by means of the "amparo" -- a legal procedure which in some respects is comparable to our injunction. There are eight federations and the zones pertaining to each are as follows:

1. Federacion Regional de Sociedades Cooperativas de la Industria Pesquera Baja California, with headquarters in Ensenada, B. C. -- Northern Lower California, Pacific Coast only.

2. Federacion Regional de Sociedades Cooperativas de la Industria Pesquera Baja California Territorio Sur, with headquarters in Santa Rosalia, B. C. — All of southern Lower California.

3. Federacion Regional de Sociedades Cooperativas de la Industria Pesquera Golfo de California, with headquarters in Nogales, Sonora — Northern Lower California, Gulf side, and the state of Sonora as far south as Yavaros.

4. Federacion Regional de Sociedades Cooperativas de la Industria Pesquera Sinaloa-Sonora, with headquarters in Topolobampo, Sinaloa -- From Yavaros, Sonora to Mazatlan, Sinaloa.

5. Federacion Regional de Sociedades Cooperativas de la Industria Pesquera Sur Sinaloa-Nayarit, with headquarters in Escuinapa, Sinaloa -- From Mazatlan south to the southern border of Nayarit.

6. Federacion Regional de Sociedades Cooperativas de la Industria Pesquera Chiapas, with headquarters in Tonala, Chis. -- All the coast of Chiapas.

7. Federacion Regional de Sociedades Cooperativas de la Industria Pesquera Tamaulipas y Norte de Veracruz, with headquarters in Tampico, Tamps. -- All of Tamaulipas and northern Veracruz to Tuxpan.

8. Federacion Regional de Sociedades Cooperativas de la Industria Pesquera Sur de Veracruz, with headquarters in Veracruz, Ver. -- The state of Veracruz from Tuxpan to the southern border.

There are no federations for the coastal states of Colima, Michoacan, Jalisco, Guerrero and Oaxaca on the Pacific and neither are there for Tabasco, Campeche, Yucatan and Quintana Roo on the Atlantic.

For a cooperative to be legally recognized it must first be approved by the Fishery Department and later by the Ministry of Economy. All sales contracts which the cooperatives enter into, if a fair percentage of their catch is involved, must be approved by the Ministry of Economy.

Of the many privileges granted fishing cooperatives it may be that contained in Article 14 of the 1932 Law (Appendix I) is most important. This article states:

"Rights acquired by fishermen's organizations shall be respected in every case ....."

Depending upon the interpretation, this can be extremely broad in its application.

Cooperatives are granted priority with respect to the obtaining of contract-concessions (Appendix II, Art. 18).

In accordance with a 1938 decree (Appendix XIII) cooperatives are exempt from various taxes for a period of five years. This has been interpreted by the Ministry of Treasury to mean taxes only and not fees. Therefore, of the various fees and taxes given in Appendix IV, only the exploitation tax is considered as one from which the cooperatives are exempt. According to information received from an official of the Mexican Fishery Department cooperatives are also exempt from the exportation tax, the 2% municipal tax and the 10% additional tax. The exportation taxes are as given in Appendix XXXVI. The 2% municipal tax is a charge amounting to 2% of the exportation tax, which is granted to the municipalities in which the fishery products originate. The 10% additional tax is applied to the exportation tax in a manner similar to that of the 2% municipal tax but the Federal Government is the recipient of the 10%. According to information, cooperatives are not exempt from the aforo tax. (Appendix XXXVIII)

The 1938 decree permanently exempted the cooperatives from income taxes (Appendix XIII, Art. 1).

It is a general practice amongst the cooperatives to disband and reorganize at the end of the five-year tax exempt period in order that they may continue enjoying this privilege. A few of the more stable cooperatives have not followed this custom and they now are subject to taxation.

Cooperatives are also granted common exploitation zones

> "..... in which it is absolutely prohibited to issue permits to private individuals for the exploitation of the species referred to ....." (Appendix II, Art. 5).

The following species have been reserved exclusively for capture by cooperative fishermen throughout Mexico:

Lobsters and crawfish (Appendix XIV)
Oysters (Appendix XV)
Octopi (Appendix XVI)
Squid (Appendix XVI)
Shrimp (Appendices XVII and XVIII)
Clams (Appendix XIX)

In addition, sharks have been partially reserved for cooperatives (Appendix VIII); totoaba, curbina and cabrilla are reserved for cooperatives in the Gulf of California north of latitude 27° (Appendix XX) and the various species of abalones along the west coast of Lower California are reserved for the cooperatives (Appendix XXI).

Because of more or less flagrant and open violation or circumvention of the principles contained in the cooperative laws, various attempts have been made to strengthen them. Examples of these attempts are the order prohibiting the granting of fishing permits to cooperatives that are not legally authorized (Appendix XXIII) and the decree establishing a severance tax of one peso a kilogram (approximately 10¢ U.S. per pound) on all fishery products from the West Coast of Mexico that were reserved for the cooperatives (Appendix XXIV). Legally recognized cooperatives were granted a rebate or an exemption from this tax.

In many of the fishing permits granted cooperatives there appears a clause which permits them to use foreign boats if they do not have sufficient or suitable boats of their own. It was on the basis of this clause that several American shrimp boats were permitted, for a brief time, to fish shrimp in Mexican waters of the Gulf of Mexico.

TERRITORIAL WATERS

We have been at divergence with Mexico over the problem of territorial waters since 1906 when we objected to the Mexican law of 1902 (Appendix XXV) which claimed fiscal jurisdiction over fisheries to a distance of 20 kilometers from the coast. This same law (loc. cit.) claimed as territorial waters only those waters extending to a distance of three miles from the coast.

In 1935 Mexico changed her stand and claimed nine nautical miles as territorial waters. The August 29, 1935 decree made no mention of fiscal claims beyond nine miles. This latter decree is not included in the appendices as a similar claim has been reiterated in a more recent law (Appendix XXVI, Art. 17-II-1).

Following President Truman's Proclamation of September 28, 1945, concerning marine subsoil resources and fisheries, President Avila Camacho of Mexico made a somewhat similar proclamation on October 29, 1945 (Appendix XXVII). This was later (January 1946) followed by the Mexican Chamber of Deputies and Senate passing amendments to the Constitution wherein subsoil resources on the continental shelf and fishery resources in the waters over the shelf were claimed for Mexico (Appendix XXVIII). The amendments have not yet been proclaimed.

F i n i s .

June 9, 1947.

APPENDIX I

Signed August 31, 1932. Published September 3, 1932.

FISHERY LAW

Chapter I

Fishing in General

Article 1. Acts of fishing and therefore subject to this law shall be those which, effected in national waters and having as their object the obtaining of specimens or biological elements peculiar to the water, remove them definitely from their natural habitat, whatever may be the objects pursued and the methods employed in effecting them.

Article 2. As regards the object pursued in the fishing, this may be for domestic consumption, for exploitation and for sport.

Article 3. Fishing for domestic consumption is that which is effected for the purpose of securing food for those engaged therein, the catch to be for the direct consumption of the latter or of their families.

Article 4. Fishing is for exploitation when it has as its object the obtaining of economic benefits from the transfer of the specimens caught in any state or condition. It is commercial when those specimens are the object of mercantile transactions in their natural state, without previously being subjected to processes other than those for their preservation. It is industrial when the specimens caught undergo, before their sale, a process of partial or total transformation.

Article 5. Fishing for sport is that which is effected for no other purpose than the pleasure of fishing, for diversion, or for the exercise which it involves.

Article 6. Since fishing affects a natural resource which forms part of the public wealth, its practice and the exploitation of the resource in question are regulated by the State to the end of insuring their rational utilization, the preservation of the species and a greater economic benefit therefrom.

Article 7. In accordance with the provisions of the preceding article, the Federal Government, through the Ministry of Agriculture and Development, may at any time restrict, limit and regulate (the practice of) fishing, as regards the intensity of the activities devoted to it, the number of persons engaged in it, the times when it may be effected and the species which may be caught.

Article 8. To perform any act of fishing, with the exception of that for domestic consumption, a permit granted under the terms of this law and its regulations must be previously obtained.

Article 9. Fishermen directly engaged in fishing may organize themselves into groups for the purpose of improving their social and economic conditions, such groups, regardless of the form which they adopt, to enjoy the protection of the State under the related dispositions.

Article 10. The fixing of duties, tariff schedules, rates and other fiscal charges, as well as the formulation of rules for their collection, shall be under the direction of the Ministry of Finance and Public Credit, which however shall in every case take into consideration the technical opinion of the Ministry of Agriculture and Development in the matter, without encroaching, through the enjoyment of that privilege, upon the powers of the latter Ministry under the law.

Article 11. The acts to which this law refers shall be subject to no taxation other than that imposed by the Federal Government, since the acts in question have as their object the exploitation of a natural resource of Federal ownership.

Chapter II

Fishing Activities

Article 12. The right to fish should be exercised without obstructing in any way the economic activities of the place where the fishing is done, such as navigation, transportation and the utilization of waters under concession rights.

Article 13. Permits or concessions covering fishing for exploitation purposes shall in no case deprive the inhabitants of the region of the right to fish as much as may be necessary for their own needs and consumption. Fishing for sport shall under no circumstances be permitted when, in addition to obstructing fishing for domestic consumption, it renders difficult or impossible fishing for exploitation purposes.

Article 14. Rights acquired by fishermen's organizations shall be respected in every case provided the profits obtained from the economic activities in which they are engaged are distributed among the members of the group.

Article 15. In view of the public utility which the natural fishing resources represent, the Executive of the Union, through the Ministry of Agriculture and Development, is hereby authorized, in accordance with the technical studies which may be undertaken, and upon the issuance of an order in each case:

I. To fix the periods when fishing shall be permitted and when it shall be prohibited, indicating the reasons upon which the action is based in each case, as well as the species and the places to which the action taken refers.

II. To determine the maximum and minimum measurements of the species within which they may be caught, taking into account the general conditions which the regulations of this law may establish in this respect.

III. To determine the methods, instruments and means of fishing which shall be prohibited because they result in an unnecessary destruction of the fishing resources.

IV. To point out the reserve zones for special breeding purposes or for exploitation enterprises which require Government protection; to determine the places of refuge which it may consider necessary and the zones for common exploitation, and lastly, those which should be devovoted to the exclusive use of the inhabitants of the shores.

Article 16. The seasons when fishing shall be forbidden may be absolute or partial, applying to all fish or only one or several species, and may be general or local, affecting all the waters of the coast or determined region, or only a portion thereof.

Chapter III

Fishing Permits

Article 17. The permits necessary for the exploitation of the national fishing resources shall be granted in each case by the Ministry of Agriculture and Development by means of contract-concessions or administrative permits.

Article 18. The permit shall be granted by means of a contract-concession when the fishing is of an industrial nature, provided regular works are undertaken and permanent works established, or when the products of the fishing are cultivated by the concessionnaire.

Article 19. Administrative permits shall be granted for commercial fishing when the products are utilized in their natural state, as well as for sport fishing. The permits shall be general, local and special.

Article 20. The general permit shall be issued to authorize fishing in all the waters of national ownership in the Republic. The local permit shall be to authorize it in a given section of these waters.

Article 21. Special permits shall be issued to authorize the fishing of species the preservation of which is especially important; permits issued for sport fishing shall also be of a special character.

Article 22. A contract-concession may not be granted to cover a period greater than fifteen years; nor may permits of more than a year's duration be granted, all such contracts and permits to be null and void after the expiration of the periods stated.

Article 23. An essential requirement for the granting of any of the authorizations referred to in this chapter, with the exception of those related to sport fishing, shall be the posting by the concessionnaires or those requesting permits, of a guarantee satisfactory to the Ministry of Agriculture and Development, that all the obligations stipulated will be faithfully complied with. Without the posting and acceptance of this guarantee, the permit granted shall have no legal value.

Article 24. The violation of the terms of contract-concessions and permits shall be punishable by the cancellation of the contract-concession or permit, as the case may be, or a fine not to exceed one thousand pesos, or both.

Article 25. Under the terms of the regulations of this law, permits may be used only by the persons or companies to whom they have been issued and shall be non-transferable. In accordance with the provisions of the same regulation, it shall be the duty of all those engaged in fishing for exploitation purposes to carry with them credentials to identify them with the permission granted.

Chapter IV

Fishing Control

Article 26. The Ministry of Agriculture and Development shall be responsible for the inspection and patrol of fishing activities under the terms of the present law and the dispositions which may be issued thereunder.

Article 27. It shall be the duty of persons holding concessions or permits to see that the employees engaged by them in connection with their activities comply with the provisions of the applicable laws and with the terms of the permits; such persons shall, therefore, be held responsible for any violations committed in connection with the fishing activities undertaken in line with their contract-concessions or permits and shall incur the penalties due, without this affecting the penalty imposed upon the person directly committing the violation.

Article 28. Holders of concessions and permits shall be obliged to prove their comliance with each and every obligation contracted under the authorization granted them and to render detailed and verified reports on the work done by them under the terms of the regulations.

Article 29. The penalties applicable to violations of this law, its regulations and related dispositions, as well as the authorizations granted under the law, shall be determined by the Ministry of Agriculture and Development, in accordance with the following principles:

I. Penalties may consist of the cancellation or revocation of the contract-concession or permit, as the case may be, as well as of prohibiting any act of fishing.

II. They may also consist of fines which shall not exceed one thousand pesos in each case for a person or company under the terms of the regulations, and may be added to the penalties mentioned in the preceeding paragraph. Administrative arrests may be applied in the same manner in cases of insolvency on the part of the violator.

TRANSITORY ARTICLES

Article 1. This law shall become effective as of January 1, 1933.

Article 2. The imports effected under the exemptions established in the concessions granted under the Fishing Law which this Law supersedes, shall be considered of a permanent character.

In compliance with the provisions of fraction I of Article 89 of the Political Constitution of the United Mexican States, and for its publication and observance, I promulgate this law in the residence of the Federal Executive Power in the City of Mexico on the twenty-sixth day of August, one thousand nine hundred thirty-two.
P. ORTIZ RUBIO. .....

APPENDIX II

Signed January 27, 1933. Published February 1, 1933

REGULATION OF THE FISHING LAW

TITLE I

General

SOLE CHAPTER

Article 1. For the purposes of article one of the Fishing Law, biological products shall be all those having such origin, even though they may subsequently have undergone a natural transformation in their native habitat.

Article 2. For the purposes of the Fishing Law, this Regulation and other dispositions in the matter, by reserved zone of refuge is meant that destined to the creation and procreation of the fishery species peculiar thereto, in which it is prohibited at all times to fish, pursue, or disturb in any manner the species mentioned. These zones shall be established by order of the Ministry of Agriculture and Development, in accordance with article 50 of this Regulation.

Article 3. A reserved zone for cultivation is one granted to an individual, a company or a juridical entity for the purpose of obtaining for his or their exclusive benefit the acclimatization, conservation, development, improvement and exploitation of the species which may exist or be hatched within it. These zones shall be granted by means of the respective contract-concessions, in accordance with the provisions of Article 18 of the Fishing Law.

Article 4. A reserved zone for fishing is one granted to an individual, a company or a juridical entity for the purpose of exploiting for his or their exclusive benefit the fishing resources already existing therein. This right shall be granted in the following order of preference:

I. To regional groups of fishermen organized in accordance with the law, in cases where in the judgment of the Ministry of Agriculture and Development it may be necessary as a means of insuring them a livelihood, to grant rights covering this type of zone, regardless of the species or resources that they may exploit.

II. To concessionnaires engaged in the industrial exploitation of the fishing wealth of the country by means of the establishment of packing plants upon national territory.

Article 5. A common exploitation zone is one established to insure a means of livelihood for the regional fishermen organized according to law, in which it is absolutely prohibited to issue permits to private individuals, for the exploitation of the species referred to in the Decree establishing it.

Article 6. Zones of common exploitation shall be established under the following conditions:

I. When the regional fishermen are duly organized according to law.

II. When, after due study on the part of the Ministry of Agriculture and Development, the insufficiency of the reserved fishing zones to insure a means of subsistence for the regional fishermen is proved, as well as when it may be necessary to prohibit fishing in said zones to a private individual to attain this end.

Article 7. Reserved fishing or hatching zones shall not be more than twenty kilometers long by four kilometers wide for migratory species. In the case of sedentary species, the fishing or hatching zones shall not be more than three kilometers long and two kilometers wide. Lastly, the reserved fishing zones authorized for regional groups of fishermen may be larger, in the discretion of the Ministry of Agriculture and Development, in relation to the number of fishermen in the group to which granted.

(x) The Department of Forestry and Game may issue concessions covering a larger area than those heretofore stipulated, to private parties, for zones reserved for exploitation or cultivation, only in the case of exploitation of aquatic plant species of maritime waters.

(x) As amended by Decree of July 16, 1937, published in Diario Oficial July 17, 1937.

Article 8. The zones reserved for hatching or fishing purposes mentioned in the preceding articles shall always refer to one or more species of fish, specifically mentioned.

The zones of common exploitation may refer to all the species of fish found therein.

Article 9. In the case of sedentary species, the granting of reserved fishing zones implies the granting of the corresponding hatching zone, and the concessionnaires are obligated to cultivate the species in question in the zones assigned to them.

Article 10. For the purposes of granting fishing permits, the national fishing wealth shall be divided into two classes: general and special; the former includes all the species not covered in Title IV of this Regulation as special.

TITLE II

Fishing Authorizations

CHAPTER I

Contract-Concessions

Article 11. Contract-concessions, whether for general or special fishing shall be granted direct by the Ministry of Agriculture and Development.

Article 12. Contract-concessions for fishing shall include:

I. The rights granted by the concession, in accordance with the law, this Regulation and other dispositions existing in the matter.

II. The obligations which must be complied with by the concessionnaire under the Law, this Regulation and other dispositions existing in the matter, taking into consideration the nature of his operations and the species with which they have to do.

III. The duration of the contract-concession.

IV. The reasons for which the contract-concession may be declared null and void.

V. The periods within which the concessionnaire must commence and finish the packing plants that he obligates himself to construct, or the limits of the reserved zones for fishing or hatching, the systems used, and the general plan of work.

VI. The guarantee that the concessionnaire must post to insure the fulfillment of his obligations.

VII. All the requirements and obligations that the Ministry of Agriculture and Development may deem necessary to insure the conservation and development of the fishery wealth of the country.

Article 13. Holders of fishing concessions may transfer their rights to any person or juridical entity recognized by the laws of the Republic; but they shall previously obtain the necessary authorization from the Ministry of Agriculture and Development, and the company, individual or juridical entity to whom the concession may be transferred shall assume, without reservation or exception of any description, each and every one of the obligations contained in the contract-concession, a clause to be inserted in the deed of incorporation of the juridical entity covering this obligation.

Article 14. Failure to comply with the requirement set forth in the preceding article shall be cause for declaring the contract-concession null and void.

Article 15. The Ministry of Agriculture and Development, in the contract-concessions that it may grant, shall authorize the free occupation of the national lands necessary for the establishment of the concessionnaire, as well as the drilling of wells upon said lands for the purpose of providing fresh water. When the occupation takes place within the federal zone, the concessionnaire shall obtain authorization therefor from the Ministry of Communications and Public Works, in accordance with the provisions of Article 9 of the Law of Waters of National Ownership.

Article 16. The concessionnaire, not later than two months before the expiration of the time granted him to commence his works, shall present the plans and specifications thereof to the Ministry of Agriculture and Development or to the Ministry of Communications and Public Works in the case referred to in the last part of the preceding article, for approval.

Article 17. Those requesting fishing contract-concessions shall have sufficient capital to commence their operations, with the understanding that such capital shall not be less than $10,000.00 (pesos) for contract-concessions covering a period of five years, increasing $5,000.00 for each additional year, but without the time in any case exceeding fifteen years.

For the purposes of the preceding paragraph, by capital shall be understood not only the cash available but investments already made in vessels, buildings, works and fishing paraphernalia.

Article 18. Contract-concessions shall be issued in the following order of preference:

I. To those offering the most advantageous conditions for the purposes of the Ministry of Agriculture and Development, according to Article 6 of the Fishing Law.

II. In case of equality, preference shall be given:.

(a) Professional fishermen registered in the Fishing Office of the district in which they seek to engage in their operations and who are organized according to law.

(b) Professional fishermen registered in the Fishing Offices of other districts, and

(c) Other persons.

Article 19. In all contract-concessions issued in favor of a Mexican individual or juridical entity, the following clause shall be inserted: "The contracting party, company or organization as the case may be, organized for the exploitation of the contract, shall be considered always as of Mexican nationality even when one or more members or stockholders are foreigners, who shall be subject to the courts of the Republic exclusively in all business the cause and action of which take place within the national territory; the company

itself and the foreigners or their successors participating in the business of the contract-concession whatever may be the capacity in which they intervene therein, shall be considered as of Mexican nationality in all matters relating to the company, and may never under any pretext claim with respect to the titles or business relating thereto, the rights of aliens, for they may have only the rights and prerogatives which the laws of the Republic grant to Mexicans; therefore, foreign Diplomatic agents shall not be permitted to intervene in any way whatsoever in matters relating to the company."

If the concessionnaire be a foreigner, the provisions of article 29 of this Regulation shall apply.

Article 20. The Ministry of Agriculture and Development may cancel fishing contract-concessions when each and every of the clauses thereof have been complied with, in the following cases:

I. At the request of the concessionnaire, when sufficient reasons exists for doing so, in the opinion of the Ministry.

II. Because of the death of the concessionnaire, if his successors request it.

III. Because of judicial liquidation or bankruptcy when the competent judicial authority deems it expedient.

CHAPTER II

Permits

Article 21. General permits, whether for general or special fishing, and special exploitation or scientific permits, authorized by the law, shall be issued directly by the Ministry of Agriculture and Development.

Article 22. Local permits shall be issued through the Fishing Offices of the Ministry of Agriculture and Development, upon forms duly approved by the Ministry in question.

Article 23. Local fishing permits shall authorize the capture of species in the waters of a federal entity and those bounding it.

Article 24. Local, general or special exploitation permits shall be for the duration of one year.

Article 25. General, local or special exploitation permits shall contain:

I. The rights conferred upon the concessionnaire according to the law, its Regulation and other dispositions in the matter.

II. The obligations to be fulfilled by the concessionnaire according to the law, its Regulation and other dispositions in the matter.

III. The reasons for which the permit may be cancelled.

IV. The non-transferable nature of the permit.

General permits shall contain, in addition, the guarantee given by the concessionnaire to assure due fulfillment of his obligations.

CHAPTER III

General dispositions regarding fishing permits and contract-concessions

Article 26. Exploitation contract-concessions or permits issued to cover fishing in Mexican waters confer upon the holder thereof the right to capture, process and sell, or to capture and sell, respectively, the fishing products obtained, without prejudice to a third party enjoying greater rights.

Article 27. Holders of fishing concessions or permits, when the authorization to effect fishing exploitation activities is issued directly by the Ministry of Agriculture and Development, shall render, at the end of each calendar year, a detailed and duly attested statement of the exploitation activities carried out, the products sold for domestic consumption, and of the works and improvements, if any, effected by them. Holders of local permits shall render the statement to which this article refers every three months.

Article 28. The Ministry of Agriculture and Development may request holders of fishing concessions or permits to furnish any and all data relative to operations or works effected under their fishing authorizations, which it may require for the proper performance of its functions.

Article 29. When the holder of a concession or permit is a foreign company, individual or juridical entity, the following clause shall be inserted: "The concessionnaire or licensee expressly declares that, for all the purposes of this authorization, he agrees to consider himself as a Mexican and therefore he shall not enjoy, with relation to its validity, interpretation and fulfillment, any greater rights or privileges than those granted by Mexican laws to citizens of the Republic. Consequently, he renounces, for the purposes of this authorization, all his rights as a foreigner and binds himself especially not to request the diplomatic intervention of his country in anything relating thereto. He agrees, also, that this clause is an essential condition of his authorization and that non-observance thereof will cause such authorization to become null and void and make him liable in addition, to the loss in favor of the nation, of any works or investments that he may have made."

Article 30. Holders of concessions or permits may not unload the products captured, in the case of those destined for export, except in the port indicated in their authorization, nor without the cargo having been inspected by employees of the fishing office. In the case of products destined for domestic consumption, the unloading may not be effected without a statement of quantity to the fishing office.

Article 31. Holders of fishing concessions or permits engaged in the exploitation of that wealth, are obligated to secure from the fishing offices with jurisdiction over them, identification cards to be carried by persons employed by them on their vessels, as provided in Article 25 of the Fishing Law.

Article 32. The identification cards to which the preceding article refers shall be valid for one calendar year, they shall be issued upon forms duly approved by the Ministry of Agriculture and Development, and shall state:

I. The name of the person to whom issued.

II. The name of the concessionnaire or licensee under whom the person referred to in the preceding clause works on each fishing trip.

III. The nature and conditions of the contract-concession or permit under which trips are made and operations conducted.

Article 33. Holders of fishing concessions or permits shall report to the fishing offices having jurisdiction over them the identification cards which should be cancelled because the persons to whom they were issued no longer work for them.

Article 34. The identification cards mentioned above are documents of identity and do not authorize the holder to effect acts of fishing for his own account.

Article 35. Holders of exploitation concessions or permits received directly from the Ministry of Agriculture and Development shall keep a record book in Spanish, entering therein the quantities obtained in their fishing operations and the species captured, in accordance with Article 28 of the Fishing Law. These books shall be authorized by the Fishing Offices within whose jurisdiction the holders of concessions or permits operate.

CHAPTER IV

Special Permits

Article 36. Special permits shall be issued:

I. For exploitation.

II. For sport fishing.

III. For scientific purposes.

Article 37. Special exploitation permits authorize the capture and utilization of the species referred to in Title IV of this Regulation, in the terms of Article 71 thereof, and shall contain all the requirements indicated for general permits and the special dispositions relating to the species referred to provided in said title.

Article 38. Permit for scientific purposes shall be issued directly by the Ministry of Agriculture and Development to scientific institutions or private parties for the capture of one or more specimens of a given species for scientific purposes.

Article 39. The Ministry of Agriculture and Development, before issuing the permits referred to in the previous article, shall investigate the purposes of the persons requesting them, such persons to be obliged to post a guarantee of compliance with the obligations imposed upon them by their permits and to send a duplicate of the specimens obtained and a copy of the studies or monographs prepared as a result of their research.

Article 40. Permits for sport fishing authorize the capture of species for sport in all national waters, under the terms of Article 70 of this Regulation, and shall be issued for the following periods:

I. One month.

II. Three months.

III. One year.

Article 41. Permits covering sport fishing shall be issued by the Fishing Offices within whose jurisdiction such fishing takes place, upon duly approved forms, and shall authorize fishing for sport in the terms of the preceding article.

Article 42. Permits covering sport fishing shall contain the requirements indicated for exploitation permits in Article 25 of this Regulation, with the exception of that contained in the second paragraph of fraction IV of the same article.

Article 43. (x) The guarantee which the concessionnaires or licensees must post, shall be fixed at the discretion of the Department of Forestry, Game and Fish, not to exceed the amount of $20,000.00 (pesos), with the exception of those which cover the activities of boats of foreign registry which deliver the fishery products obtained in general to foreign markets, in which case it will be permitted to increase it to a maximum of $50,000.00 (pesos).

(x) As amended by Decree of November 7, 1939, published in Diario Oficial November 23, 1939.

TITLE III

Regarding the taking of species

CHAPTER I

Fishing

Article 44. For the purposes of Article 15, fraction I, of the Fishing Law, the seasons that the Ministry of Agriculture and Development may decree in the matter may be absolute or partial.

Article 45. By absolute closed season is understood that which is decreed for a determined zone and prohibits the taking of the species that inhabit it.

Article 46. By partial closed season is understood that which prohibits the taking of one or more specifically mentioned species and it may include all the waters of national jurisdiction or only part of them.

Article 47. The prohibiting laws may also be general or local; the former, when the closed season applies to all the waters of the Republic or of one of its coasts; the latter when the closed season is confined to a specific region.

Article 48. Absolute closed seasons may never be general.

Article 49. Lastly, closed seasons may also be temporary or permanent. Temporary closed seasons shall be those applicable for only a certain season of the year; permanent closed seasons shall be those covering a period of one or more years at a time.

Article 50. When the Ministry of Agriculture and Development decrees an absolute and definite local closed season it shall, in the same decree, establish the corresponding zone of refuge as provided in Article 2 of this Regulation.

Article 51. The Ministry of Agriculture and Development, when decreeing a closed season, shall state clearly in the corresponding decree whether it is absolute or partial, temporary or permanent, local or general.

Article 52. The utilization of products caught before a closed season is imposed may be effected while the closed season is in force under the condition that before the end of the lawful fishing period the concessionnaires or holders of permits submit due proof to the Fishing Offices in their districts, of the stock they had in storage when the closed season became effective, caught before that time, for which a corresponding visit of inspection shall be made.

Article 53. A record of the inspection effected in accordance with the provisions of the preceding article shall be drawn up in triplicate, attested by two witnesses, and shall state:

I. Where and when the inspection took place.

II. Name of the interested party.

III. Number, date and other data regarding the permit or concession under which the exploitation was effected.

IV. State of preservation and number of kilos of the species captured prior to the closed season.

Article 54. As the products referred to in the two preceding articles are sold, the concessionnaires or licensees shall notify the Fishing Office in their district, requesting the authorization to sell these products, which must be entirely sold within a period which shall not exceed half the duration of the closed season. Dealers in these products shall be obliged to obtain a duplicate of the order of sale to which this order refers or to request exemption therefrom.

Article 55. Violation of the provisions contained in the preceding article shall be imputable not only to those who do the fishing but also those dealing in the products in question.

Article 56. (x) Mexican and foreign boats which request permits to fish only for bait in territorial waters of the Republic shall satisfy the requisites fixed by the law covering the subject and this Regulation, for fishing in general in all national waters. Therefore no special licenses will be issued in the future for the taking of bait.

Article 57. (xx) For rights to the exploitation of the products obtained, the boats to which the previous article refers, shall pay the full fees shown in the schedule of rates, considering the products taken in national waters.

(x) and (xx) As amended by Decree of December 28, 1933, published in Diario Oficial of December 29, 1933.

Article 58. Permits for sport fishing do not give the holder the right to fish during closed seasons.

Article 59. Without prejudice to the prohibitions of a special nature established in Title IV of this Regulation, it is absolutely prohibited:

I. To empty or allow to run into waters inhabited by fish, any substance poisonous or harmful to them, except in case of force majeure.

II. (x) To throw into marine or fluvial waters or to abandon on the shores or banks, fishery products and their waste matter, except under the circumstances covered by article 91 of this Regulation.

(x) As amended by Decree of November 7, 1939, published in Diario Oficial of November 23, 1939.

III. To make use of explosives in waters inhabited by fish when the use thereof causes their death.

IV. To strike or contaminate the waters with substances having as their object the stunning, blinding or killing of the fish.

V. To destroy or change the spawn of species of fish without the authority of the Ministry of Agriculture and Development.

VI. To catch fish, reptiles, crustaceans and other aquatic species of a size smaller than that permitted in this Regulation or in the orders that the Ministry of Agriculture and Development may issue.

VII. (x) To use trawls, drag nets and all other nets in bays, estuaries, lagoons and in general, in protected waters situated within the littoral line, as well as in maritime territorial waters in which non-migratory species exist, which in the judgment of the Ministry of Forestry, Game and Fish, may be damaged by the use of said method of

fishing. In interior waters the use of trawls, drag nets and allother nets is at all times prohibited.

(x) As amended by Decree of November 7, 1939, published in Diario Oficial of November 23, 1939.

Article 60. Fishing in the waters of the interior of the Republic that are Federally owned shall be authorized by means of permits or contract-concessions in accordance with the Fishing Law and this Regulation, as well as the regulations for every species and region of the country that the Ministry of Agriculture and Development may issue.

CHAPTER II

Fishing devices and apparatus

Article 61. Holders of fishing concessions and permits shall register at the Fishing Offices in their districts all the vessels employed by them in their operations, whether owned by them or not.

Article 62. (x) The use of floating packing plants and vessels equipped with freezing apparatus will only be permitted as auxiliaries of similar plants which have previously been established on land, except when such floating packing plants and vessels equipped with freezing facilities are of Mexican registry.

(x) As amended by Decree of November 7, 1939, published in Diario Oficial of November 23, 1939.

Article 63. For the purposes of the Fishing Law, this Regulation and other dispositions in the matter, by net shall be understood all devices of cord, wire or other material, the object of which is to enmesh, intercept or capture fish, whatever may be the name by which they are commonly known.

Article 64. (x) The installation of trap systems, fixed or stationary, as well as their change of location, size, or situation, require direct authorization from the Ministry of Forestry, Fish and Game, which Ministry may deny or modify the projects of location, size or situation, or restrict the operation of those already established, in order to permit the free reproduction of the migratory species, both anadromous and catadromous, or in cases where it is shown that such devices cause damage to fish and other aquatic animals by contamination of the dammed waters.

(x) As amended by Decree of November 7, 1939, published in Diario Oficial of November 23, 1939.

Article 65. The holders of fishing concessions or permits who utilize in their operations inclosures, traps and other fixed or stationary fishing devices, shall keep them sanitary, opening them up after using them in the regular seasons.

Article 66. (x) The use of trawls, drag nets, and all other nets, shall only be permitted in territorial marine waters in conformity with the Regualtions issued by the Ministry of Forestry, Fish and Game and in all cases clause VII of Article 59 of this Regulation, as amemded, shall be observed.

(x) As amended by Decree of November 7, 1939, published in Diario Oficial of November 23,1939.

Article 67. Diving equipment, nets, lobster traps and other devices that are not fixed or stationary, with the exception of those mentioned in Article 69 of this Regulation, shall be registered by the holders of concessions or permits in the Fishing Offices in their districts.

Article 68. The registration to which the preceding article refers shall include:

I. The name of the holder of the concession or permit.

II. The name of the apparatus registered, its make and other data necessary for its identification.

III. In the case of nets, the measurements of the meshes taken on the side of the opening when the net is wet.

IV. The kind of fishing for which the device is used.

V. The fee paid for the registration thereof.

Article 69. Rods and hooks, fishing tackle and harpoons shall be exempt from registration.

Article 70. Fishing for sport and that for personal consumption may be effected only with hook and line, tackle and other fishing devices transportable by the fisherman himself.

Article 71. The free importation of machinery, apparatus and devices for fishing destined for the packing plants of fish products that may be established in the country in accordance with the law in the matter and this Regulation, cannot be decreed without previous consent of the Ministry of Agriculture and Development.

TITLE IV

Regarding the species requiring special permits

Article 72. For the purposes of article 21 of the Fishing Law, by special permit of exploitation shall be understood the authorization granted to catch the species enumerated in this Title; without detriment to the right of the holder of the permit, under the corresponding contract-concession, to utilize them industrially.

CHAPTER I

Regarding the whale

Article 73. For the purposes of this Regulation, by whale shall be understood the cetacea included zoologically in the following species: whale, balaenoptera, megaptera, hyperoodon, physeter and rhachionectes.

Article 74. It is absolutely prohibited:

I. To kill or capture whales or young whales that have not reached their full development in order to make their exploitation worth while.

II. To use poisoned harpoons or rifles and, in general, all fishing devices that do not insure the death and capture of the whale.

Article 75. The exploitation of the whale shall be effected by means of exclusive authorization in the following zones:

I. From the boundary of the United States of North America to the port of Manzanillo, in the waters of the Pacific Ocean, including the Gulf of California.

II. From the port of Manzanillo to the border of the Republic of Guatemala, in the waters of the Pacific Ocean.

III. In all the waters of the Gulf of Mexico.

Article 76. The use of cannon, harpoon-lances, in the fishing of whales is not included in the prohibition established by fraction III of Article 59 of this Regulation.

Article 77. Not only the oil of the whale shall be utilized but all the other products derived from that animal.

CHAPTER II

Regarding the lobster

Article 78. It is absolutely prohibited to capture lobsters or crawfish measuring less than 265 millimeters or more than 400 millimeters from end to end, exclusive of legs, claws and antennae.

Article 79. Fishermen who employ the system of traps in the capture of lobsters or crawfish shall be careful to examine them, returning to the sea entirely alive female lobsters carrying eggs and those of a size the taking of which is prohibited by this Regulation.

Article 80. It is absolutely prohibited to scrape or cause to disappear in any manner the spawn of female lobsters.

Article 81. Violation of the provisions of the preceding articles of this chapter shall be the responsibility not only of those performing the capture but also of those dealing in lobsters or crawfish.

Article 82. On the last day of the lawful season for the exploitation of lobster, the traps and apparatus employed in the capture of this species shall be withdrawn. With respect to live lobsters of the measurements fixed in this Regulation, captured up to this date, the provisions of Article 52 of the same shall be followed.

CHAPTER III

Regarding shrimp

Article 83. (x) In estuaries where there exist trap systems, fixed or stationary, fishing of shrimp may not be effected with hand, purse, or any other kind of nets, except dip nets. Nets may be used in the capture of other species but only at a distance of not less than one thousand meters from the place where the stationary fisheries are located.

Article 84. (xx) In accordance with the Regulations established by the Ministry of Forestry, Fish and Game, at the close of the shrimp fishing season in estuaries where trap systems, fixed or stationary, are employed, the traps, weirs or other installations must be removed, this not affecting the provisions of Article 65 of this Regulation.

Article 84 bis. (xxx) Fishery products other than shrimp which are captured by the use of trawls, drag nets, weirs and other methods, fixed or stationary, shall be wholly utilized or disposed of in the domestic market or national industry.

(x) (xx) and (xxx) As amended by Decree of November 7, 1939, published in Diaro Oficial of November 29, 1939.

CHAPTER IV

Regarding pearl oysters

Article 85. Without prejudice to the closed seasons which may be established by the Ministry of Agriculture and Development, the exploitation of pearl oysters shall be effected alternately in the following manner:

I. In odd years the exploitation shall be circumscribed to the first zone which includes the bottom of the sea from the mouth of the Colorado River to Punta Mechuda, on the coast of the peninsula of Lower California, and from the Colorado River to the port of Zihuatanejo in the State of Guerrero, including the coasts of Sonora, Sinaloa, Nayarit, Jalisco, Colima, Michoacan and part of the State of Guerrero; as well as the Islands, islets and shoals adjacent to these coasts.

II. In even years, the exploitation shall be limited to the second zone, which includes the region from Punta Mechudo to the cape of San Lucas, and from this point to the border of the United States, on the western coast of Lower California; from the port of Zihuatanejo to the Guatemalan border, including the coasts of Oaxaca, Chiapas and part of Guerrero, as well as the keys, islands, islets and shoals adjacent to said coasts and the Cedros and Revillagigedo Islands.

(x) The extraction of pearl oysters by the diving method may be effected without distinction in any zone when the Ministry of Agriculture and Development so decrees by means of the respective order.

(x) As amended by decree of December 15, 1933, published in Diario Oficial on December 29, 1933.

Article 86. It is absolutely prohibited to extract shells measuring less than 70 millimeters from the hinge to the outer edge of the mother-of-pearl.

Article 87. During the seasons when diving for pearl oysters is prohibited, holders of concessions or permits to exploit this species shall be obliged to deposit in the Fishing Offices in their district the diving equipment used by them, the offices in question to deliver them the corresponding receipts therefor.

Article 88. Thirty days before the lawful season for diving for pearl oysters begins, the equipment referred to in the preceding article shall be returned to the holders of concessions or permits for their use, with the understanding that they will not be utilized until the exploitation season begins.

Article 89. It is prohibited to remove river shells by the use of suction dredges, as well as to remove small shells that by virtue of their size cannot be used to industrial profit.

CHAPTER V

Regarding the oyster and the abalone

Article 90. It is strictly prohibited to throw into the water ashes, ballast, refuse or any other matter that might damage the beds or hatcheries of oysters or abalone. In case of violation of this ruling, in addition to penalties incurred by the violator under this Regulation, he shall be obliged to clean the ocean bed for his own account.

Article 91. It is strictly prohibited to shell oysters away from the banks where they were caught or from the places provided for the cultivation of this species.

Article 92. During the seasons when the catching of oysters or abalone is prohibited, the taking of fish or crustaceans shall be permitted in places where the beds exist only when this is effected with fish hooks, hand harpoons and other similar devices.

Article 93. The Ministry of Agriculture and Development, by orders, shall determine the maximum and minimum measurements for oysters subject to exploitation in each region of the country; with the understanding that the taking of oysters of dimensions other than those stipulated in such orders shall be strictly prohibited.

Article 94. It is strictly prohibited to take abalone of a size smaller than the measurements given below:

I. Red abalone (Haliotis rufenses) 175 mm.

II. Green " (Haliotis fulgens) 160 "

III. Pink " (Haliotis corrugata) 150 "

IV. Black " (Haliotis cracheroidii) 120 "

The above measurements shall be taken across the greatest dimension of the shell.

Article 95. All the dispositions relating to diving equipment for mother-of-pearl are applicable to that used in diving for abalone.

CHAPTER VI

Regarding the turtle and the alligator

Article 96. Specimens of turtles captured during the lawful season of exploitation shall be of the following minimum dimensions:

I. White river turtles, common sea turtles, tortoise, guao or fresh water tortoise . . . . . 400 millimeters

II. Yellow turtles, spotted or icotea . . . . . 250 "

With respect to the other varieties of turtle, their capture is prohibited only when they have not reached full development.

Article 97. It is absolutely prohibited to blind in any way turtles captured, as well as to sell turtle eggs or destroy their nests.

Article 98. (x) The seasons for taking alligators in the different regions of the country inhabited by this species shall be subject to the dispositions for each special case that the Ministry of Marine may issue by means of the respective order, it being absolutely prohibited to capture alligators measuring less than one meter fifty centimeters in length.

(x) As amended in decree of October 13, 1942, published in Diario Oficial on January 9, 1943.

CHAPTER VII

Regarding seaweed, etc.

Article 99. Holders of concessions or permits to exploit seaweed shall do so under conditions that will not diminish the potentialities of the localities exploited; to which

end they shall alternate their exploitations in the manner determined in their authorizations.

Article 100. Holders of concessions or permits for the exploitation of seaweed shall be obliged to prepare oceanographic charts of the regions that they exploit.

Article 101. The capture of totoaba and the extraction of sponges shall be considered as special fishing, the species in question to be subject to regulation by the Ministry of Agriculture and Development by means of the corresponding orders.

TITLE V

Regarding inspection and vigilance in fishery matters

Article 102. The inspection and patrol of fishing activities shall be performed by the Ministry of Agriculture and Development, through the Agencies established in subsequent orders.

Article 103. In the orders referred to in the preceding article, the Ministry of Agriculture and Development shall determine the territorial jurisdiction of the Fishing Offices in question.

TITLE VI

Regarding procedures and penalties in fishery matters

CHAPTER I

Procedures

Article 104. Fishing authorizations to be obtained directly from the Ministry of Agriculture and Development shall be requested in writing of that Ministry. If after a petition has been made, a month passes without further steps being taken in the matter through negligence on the part of the petitioner, the latter will be considered as having desisted from his negotiations.

Article 105. Local fishing permits and other authorizations issued by the Fishing Offices may be solicited verbally and the mere fact that such an authorization has been issued and detached from the respective stub-book implies that the person to whom it was issued requested it and accepts all the obligations stipulated therein.

Article 106. When a reserved fishing zone is requested by a private individual or juridical entity, the Ministry of Agriculture and Development shall so notify the local fishermen through the Fishing Office in that district, so that within a period of thirty days from the date of such notification by the Fishing Office, they may exercise the right of preference granted by Article 4 of this Regulation.

Article 107. In cases of violation of the dispositions of the Fishing Law, this Regulation and other laws in the matter, the procedure covered in the following articles shall be followed.

Article 108. Once the violation has been discovered a detailed record shall be drawn up of the acts constituting it, the name of the violator and of the concessionnaire or the holder of the permit under whom they were operating; the legal dispositions considered violated and all the circumstances tending to prove the act of violation. If the violation is discovered by a private party he shall notify the nearest fishing authority, who shall draw up the record to which this article refers.

Article 109. When the person or Fishing Office having knowledge of the acts considered as a violation, is a member of an Office of higher category, he (or it) shall refer the report to the latter, which will proceed in the manner provided in the following article.

Article 110. In the case of the previous article, or when the authority discovering the violation does not belong to another (office) of higher category, such authority shall make the necessary study of the case and propose to the Ministry of Agriculture and Development the penalty applicable under the proper law, notifying the violator that within twenty days following such notification he must make his defense and present his evidence before the proper authority.

Article 111. At the end of the period referred to in the preceding article, the original file and the defense presented, together with the evidence submitted or a certificate stating that none was submitted, shall be sent to the Ministry of Agriculture and Development, which Executive agency shall render the final decision in the matter, either approving or modifying the penalty proposed.

Article 112. After approving or modifying the penalty proposed, the Ministry of Agriculture and Development through the authority who proposed the penalty, shall notify the violator regarding its decision. The authority who proposed the penalty shall inform the respective authority of the final decision of the Ministry of Agriculture and Development so that it may be carried out in accordance with the legal dispositions in force.

Article 113. The proceeds of fines imposed for violations of the Fishing Law and other dispositions in the matter shall be distributed in the manner provided in the Tariff.

Article 114. In cases where a fishing authorization is to be declared null and void, the Ministry of Agriculture and Development shall issue an order declaring that the holder of the contract-concession or permit, as the case may be, has made himself liable to that penalty, and giving the violator a period of sixty days in the case of a contract-concession or thirty days in the case of a permit, to make his defense and present his evidence.

Article 115. At the end of that period, the Ministry of Agriculture and Development, after examining the defense presented and the evidence submitted, shall declare definitively if the cancellation is in order or if the penalty is unlawful, as the case may be.

Article 116. The declarations to which the two preceding articles refer shall be published in the DIARIO OFICIAL of the Federation; so shall the contract-concessions issued by the Ministry of Agriculture and Development.

CHAPTER II

Penalties

Article 117. The cancellation of fishing contract-concessions or permits shall be lawful only in the following cases:

I. When the holder of a concession or permit allows the participation or intervention in his operations of a foreign government.

II. When a concessionnaire transfers the rights of his authorization without the previous and specific consent of the Ministry of Agriculture and Development, or the holder of a permit effects the transfer thereof in violation of the provisions of Article 25 of the Fishing Law.

III. When the holder of a concession or permit defrauds the fiscal interests or refuses to pay or deliver any amount that he may owe the Government, after being requested to do so three times.

IV. When the holder of a concession or permit goes into fraudulent bankruptcy.

V. When the purpose of the contract-concession is not fulfilles according to the terms thereof.

Article 118. Violations of the prohibitions contained in article 59 of this Regulation and of the closed seasons decreed by the Ministry of Agriculture and Development shall be punishable by a maximum fine of one thousand pesos or fifteen days in jail.

Article 119. Persons fishing without proper authorization, except in the case of fishing for home consumption, shall be liable to the confiscation of their vessels and the products illegally obtained, and a fine of one thousand pesos or fifteen days in jail.

Article 120. In the case outlined in the preceding article, the office discovering the violation shall draw up the corresponding charge and refer it to the District Court within whose jurisdiction the violation was committed, in order that the judicial authority may decide as to the legality or illegality of the charge and apply the penalties indicated in said article. In such case, the jurisdiction of the Ministry of Agriculture to make the final decision on the penalty imposed upon the violator ceases.

Article 121. (x) Persons who engage in fishing for bait without fulfilling the requirements covered by article 56 of this Regulation, will have confiscated the products obtained as well as the boat and fishing equipment used; the first two officers of the boat will be placed under arrest up to 15 days if they themselves, under the responsibility of the owner, or through him, do not pay or guarantee to the respective Tax Office, a fine of five hundred to two thousand pesos within a period of 48 hours of landing.

(x) As amended by decree of December 22, 1933, published in Diario Oficial of December 29, 1933.

Article 122. Any violation not included in the cases mentioned in the foregoing articles shall be punishable by a fine up to five hundred pesos, according to the judgment of the Ministry of Agriculture and Development, taking into consideration the seriousness of the violation and the economic situation of the violator.

Article 123. In case of a second offense committed in operations under one authorization, the penalty imposed the first time shall be doubled.

Article 124. Holders of fishing concessions or permits shall be responsible for violations committed by fishermen under their orders, in accordance with the provisions of Article 27 of the Fishing Law provided the violation is committed in the performance of fishing acts effected for the account of the concession or permit holder, and the quantity of the products illegally caught or the nature of the violation lead to the presumption that the violation was committed with his knowledge.

TRANSITORY ARTICLES

1. The present Regulation shall become effective in the terms established by Article 3 of the Civil Code for the Federal District and Territories of August 30, 1928.

2. The effects of the acts or contracts issued prior to the issuance of the present Regulation shall be governed by the laws and regulations under which they were prepared or entered into; but the effects not yet carried out of such acts or contracts shall be governed by the Fishing Law of August 26, 1932 and this Regulation.

3. The transaction and decisions of cases and petitions for contract-concessions or permits for fishing shall be governed by the Fishing Law of August 26, 1932 and this Regulation, on points that may not have been resolved under and according to previous dispositions.

4. Until a fishing service is organized by the Ministry of Agriculture and Development, all federal authorities, holders of fishing concessions or permits and transportation companies are obligated to cooperate with the Ministry in question in the application of the present Regulation.

5. The previous Regulation and other dispositions at variance with the present one, with the exception of the Decree of August 2, 1928 and the two Decrees of January 23, 1930 establishing common exploitation zones for the fishermen of Sinaloa and Nayarit and Lower California, respectively, are revoked.

In compliance with the provisions of fraction I of Article 89 of the Political Constitution of the United Mexican States, and for its due publication and observance, I promulgate the present Regulation in the residence of the Federal Executive Power, in the City of Mexico, on the twentieth day of the month of January, one thousand nine hundred thirty-three. A. L. RODRIGUEZ. Signature. The Secretary of State and of the Office of Agriculture and Development, FRANCISCO S. ELIAS. Signature. To the Citizen Secretary of Government.

Mexico, D. F., January 27, 1933. The Secretary of Government, EDUARDO VASCONCELOS. Signature.

APPENDIX III

LAW COVERING FISHING IN MEXICAN TERRITORIAL WATERS OF THE PACIFIC OCEAN AND THE GULF OF CALIFORNIA

Signed December 26, 1938. Published December 30, 1938.

Article 1. Those persons who wish to undertake commercial fishing in Mexican territorial waters of the Pacific Ocean and the Gulf of California using vessels of foreign registry, and who intend to send their products to foreign markets, must fulfill the provisions contained in this law.

Within the conception of commercial fishing for vessels of foreign registry there is allowed the taking of species which can be packed and all those which do not require a special authorization.

Sport fishing in the waters indicated in the first paragraph is also subject to the provisions of this Law.

Commercial Fishing

Article 2. In order to engage in commercial fishing it shall first be necessary:

I. To obtain a general fishing permit, it being understood as such those which refer to all the territorial waters of the Pacific Ocean, including those of the Gulf of California.

II. To obtain for each trip and for each vessel, a "Via la Pesca" warrant.

III. To fulfill the following requirements:

a) To take only that amount of bait which is to be used on the fishing trip when this method is the one used by the vessel.

b) Not to use nets the mesh of which is smaller than the fish for which it was constructed; the dimensions of each shall be specified in the regulations of this Law. If, in addition, it is wished to use nets of the type known as "purse-seiners" or of lampara or ring types, these may be used only in the places authorized therefor by the Executive by provisions of a general nature which shall be published in the DIARIO OFICIAL of the Federation.

IV. To satisfy the other requirements of this Law, the General Law of Fishing, its Regulations, and the other provisions in effect and which may be issued in the future.

Article 3. Acts of fishing and those related thereto and included under this Law shall be subject to the Tariffs which may be issued by the Federal Executive.

When special rates are lacking in such Tariffs, the rates specified by the General Tariff of fishing shall be applied.

Article 4. General fishing permits, the registry of vessels and nets, "Via la Pesca" warrants, identification cards and other relative documents should be obtained from the offices which the Department of Forestery and Hunting and Fishing has established in Ensenada, Lower California, and the subaltern offices thereof in San Diego and San Pedro, California, U.S.A., for all vessels coming from any point north of the international

boundary line with the United States of America, and in Salina Cruz, Oaxaca, for all vessels coming from any point south of the international boundary line with Guatemala.

Article 5. To obtain a general fishing permit, the interested parties shall fulfill the following requirements:

I. They shall pay the fees specified in the General Fishing Tariff, provided they have not been modified by the Federal Executive in conformity with Article 3 of this Law.

II. They shall prove that they own or have the right to use the vessel or vessels which it is proposed to devote to fishing in national waters of the Pacific.

III. If groups of fishermen are owners of fishing vessels, they shall also give proof that they are organized in accordance with the laws of the country in which they reside, to engage in commercial fishing.

IV. They shall present a detailed report which is to contain the following data:

a) Full name (s) of the person, persons or groups directly interested, and their addresses.

b) Name and nationality of each of the vessels to be used.

c) Places and dates of registry.

d) Tonnage of each.

e) Names and nationalities of the respective masters or captains.

f) Amount of marine insurance carried, if any, and the name of the insuring company.

The authorized representatives of vessels or of captains or masters must register in the respective Delegation before obtaining the "Via la Pesca" warrant of the vessel in question.

V. They shall guarantee the fulfillment of their fiscal obligations to the satisfaction of the General Treasury of the Federation and the Department of Forestry and of Hunting and Fishing or the dependencies of both these Departments, by means of a cash guarantee which must be deposited in national territory, in accordance with Article 43 of the Regulation of the General Fishing Law in effect.

Article 6. The Delegations of the Department of Forestry and of Hunting and Fishing shall not authorize the "Via la Pesca" warrant for any vessel which, having operated under a general fishing permit, attempts to apply for a different general permit without first having cancelled the former permit and again registered the vessel as specified in the foregoing Article.

Article 7. The masters or captains of fishing vessels, those directly interested, or the legal representatives thereof in the case of companies or groups, may make protest to the offices or agents of the Ministry of Finance and Public Credit when they encounter undue obstacles in the securing of general permits for fishing of the "Via la Pesca" warrants to which this Law refers, or to effect the corresponding fiscal payments. Such offices or agents must take care to prevent action by mediators and whenever they find a complaint justified, shall attempt to remedy the causes thereof and shall notify the Ministry of Finance and Public Credit by the most rapid means available.

Article 8. The "Via la Pesca" warrant must be applied for by the captain or master of each vessel and may be issued only when the interested parties give proof:

I. That the fees mentioned in Article 3 have been paid to the proper fiscal offices.

II. That the tonnage agrees with that declared.

Article 9. The "Via la Pesca" warrant shall be good for one trip only, which trip must not exceed seventy days and, with the exception of the waters surrounding the Coronado Islands, Lower California, shall confer the right to capture, in the waters indicated in Article 1, all the migratory species not subject to closed seasons and not requiring a special permit or authorization. Only vessels of three net tons capacity or less may fish in the national waters immediately surrounding the Coronado Islands, Lower California, in accordance with this Law and provided that no nets of any kind are used.

Article 10. All "Via la Pesca" warrants shall be returned at the end of the voyage to the authorized personnel of the Department of Forestry and of Hunting and Fishing in the port of unloading, with a detailed statement as to the species obtained and the amount of each species, as well as the places where they were captured, the statement to be made on special forms the wording of which shall be supplied by the aforesaid Department.

Failure to comply with the provisions of the foregoing paragraph establishes the legal presumption which will admit no proof to the contrary, that other trips were effected under the permit granted "Via la Pesca", each trip to be calculated at a rate of two days or fraction thereof following the one on which the corresponding statement should have been presented, and the sum resulting as due from the violator when such calculation has been made, shall immediately be deducted from the amount of the guarantee which was posted to cover the permit, without this preventing the exacting of the corresponding responsibilities when this is applicable.

The personnel of the Department shall in any case make the corresponding inspection and shall return to the fishing authority which issued it, the "Via la Pesca" warrants collected and cancelled, together with the capture and unloading declarations.

Article 11. For fiscal purposes, the personnel authorized by the Ministry of Finance and Public Credit shall be entrusted both in national territory and in foreign ports of unloading with the collection of the tax and the supervision of the fishing activities. In the case that in the belief of such personnel, no document of violation has been prepared by any of the employees attached to the respective office of the Department, the personnel in question must do this in detail, forwarding such notice to the Delegation of the Department which has jurisdiction in the place where the violation was discovered.

Article 12. The species taken under the "Via la Pesca" warrant shall not be subject to payment of export taxes, but there will be subject to the corresponding penalties according to the laws, the act of taking unauthorized species, or carrying any kind of fish in the bait tanks or outside the warehouses, refrigerators and other places which are listed in the registration papers as storage places for dead fish and not fish taken provisionally as is fish for bait. In case of violation of this provision by the holder of the permit, a sum corresponding to twice the amount specified for the quantity transported legally shall be paid to cover the quantity transported illegally; in addition, there shall be imposed the fine or fines specified in the General Law of Fishing in effect until such time as the Federal Executive formulates the regulations to which Article 3 of this Law refers.

For the purposes of this Article, it shall also be considered illegal to transport any species filleted or semi-prepared in a manner which would diminish the volume taxable in accordance with the respective tariff. The Federal Executive shall decide in the regulation which he issues to make this Law effective, what species of fish or shellfish may be transported without heads or which are cleaned inside, and the additional rates payable in such case.

Article 13. It is optional for the masters or captains of fishing vessels who have fulfilled the requirements of this Law, to stop or not at the Mexican ports on the route of their authorized voyage; but in case they do, they are obliged to satisfy whatever require-

ments the laws may impose on vessels which enter national ports under stress.

Article 14. Vessels which, without fulfilling the requirements established in this Law or which have "Via la Pesca" warrants which have already been used or on which the time limit has expired, are discovered in territorial waters performing fishing operations, taking bait, operating with fishery products, the transportation thereof or any other activity derived from those above, shall be obliged to appear before the proper authorities in the nearest port in order that the case may be investigated and the responsibility thereof may be exacted.

Article 15. Applicable for the purposes of this Law are the penalties and procedures established by the General Law of Fishing in effect, as well as its Regulation, the Customs Law, the Law of General Means of Communication, Resolutions, Circulars and any other provisions in effect and those which may be issued in the future.

Sports Fishing

Article 16. Permits for sport fishing for non-resident foreigners in the cases to which Article 1 of this Law refers, shall be granted by any office under the jurisdiction of the Department of Forestry and of Hunting and Fishing, and shall be subject to the Tariffs in effect until the Federal Executive fixes the tariffs which are to regulate it, under the terms of Article 3.

Article 17. Permits for sport fishing in the waters indicated in Article 1 and provided that this is effected on board vessels which sail from the port of San Diego, California, U.S.A., shall be valid only for the day for which they were expressly issued, by means of the payment of the fees applicable, and may be issued by the authorized employees of the Department of forestry and of Hunting and Fishing in that Port, who may advance them for the days for which they are requested according to the duration of the trip, the captains of such vessels being obliged, on their return, to turn in the permits that have expired for their definitive cancellation.

Article 18. Persons or organizations who are masters of vessels, national or foreign, engaged in effecting acts of sport fishing in national waters must fulfill the following requirements:

I. They must obtain a special permit paying in advance an annual fee which shall be specified in the tariff mentioned in Article 3;

II. They must guarantee the fulfillment of their fiscal obligations in the manner provided by Section V of Article 5;

III. They must register their vessels in the Delegation of the Department of Forestry and of Hunting and Fishing established at Ensenada, Lower California;

IV. They must obtain identification cards for the crew of each vessel;

V. They must refrain from issuing passage tickets to those persons who have not first acquired the necessary permits for sport fishing;

VI. They must comply with the other provisions of the General Law of Fishing in effect, its Regulations, and other dispositions in effect.

Article 19. The owners of private yachts of foreign registry making trips to Mexican waters and effecting sport fishing shall, in turn, have the following obligations;

I. To obtain on each occasion, a one-month special permit for sport fishing, paying a fee of 25.00 pesos for it.

II. To register the vessel in the corresponding Delegation of the Department of Forestry and of Hunting and Fishing.

III. To obtain identification cards for the crew.

IV. To obtain, in addition, the proper individual permits for sport fishing for each of the sportsmen in accordance with the fees in effect until the Federal Executive determines those to apply, in accordance with Article 3 of this Law.

V. Whatever other requirements may be imposed by regulations in effect.

Article 20. In no case shall the use of nets be permitted in sport fishing, regardless of size and description.

TRANCITORY ARTICLES

Article 1. The following Decrees are abrogated: That of March 2, 1936, relative to the fishing of species capable of being packed; that of July 8, 1936 regarding small scale fishing; that of March 31, 1937 regarding sport fishing; and all the provisions that may be at variance with this Law.

Article 2. Persons who, when this Law becomes operative, may have been operating under fishing permits granted previously, shall enjoy a period of thirty days in which to submit to the provisions of this Law.

Article 3. This Law shall become effective ten days after the date of its publication in the DIARIO OFICIAL of the Federation.

Article 4. Until the Executive issues the Tariffs which shall apply definitively, those contained in the decrees of March 2, 1936, and March 31, 1937, shall continue in effect.

Article 5. The Federal Executive shall order, by whatever means he deems advisable, percentages of increase or decrease as the case may require, to the Tariffs and the penalties specified.

. . . . .

APPENDIX IV

Signed January 20, 1933. Published February 4, 1933.

TARIFF:

FISHING AUTHORIZATIONS

Permits

I. General permits, for all the waters of national ownership of the Republic, valid for one year from date of issuance:

Fraction 1.	For fishing in general	$ 100.00
Fraction 2.	For whale fishing	5,000.00
Fraction 3.	For totoaba fishing	200.00
Fraction 4.	For lobster or crawfish, and including the western coast of Lower California, with right to two lobster beds . . .	200.00
Fraction 5.	For lobster or crawfish, not including the western coast of Lower California, with right to two lobster beds . . .	100.00
Fraction 6.	For each additional bed, not to exceed four	
	(a) On the western coast of Lower California	75.00
	(b) In other waters of the Republic	30.00
Fraction 7.	For pearl oyster diving.	200.00
Fraction 8.	For abalone diving	150.00
Fraction 9.	For oyster extraction	150.00
Fraction 10.	For sea turtles	60.00
Fraction 11.	For seaweed extraction, with right to one zone	150.00
Fraction 12.	For shrimp fishing	200.00

II. Local permits for the waters of a Federal Entity and those bounding it, valid for a year from date of issuance:

(a) On a large scale, utilizing vessels of a combined tonnage of more than three tons net:

Fraction 13.	For fishing in general	40.00
Fraction 14.	For totoaba fishing	50.00
Fraction 15.	For lobster or crawfish, on the west coast of Lower California, with right to one lobster bed	75.00
Fraction 16.	For lobster or crawfish, in other waters of the Republic, with right to one lobster bed	35.00

Fraction 17.	For each additional bed, not to exceed two:	
	(a) On the west coast of Lower California	$ 30.00
	(b) In other waters of the Republic	15.00
Fraction 18.	For pearl oyster diving	100.00
Fraction 19.	For abalone diving	100.00
Fraction 20.	For oyster extraction	75.00
Fraction 21.	For river shellfish extraction	50.00
Fraction 22.	For sea turtles	45.00
Fraction 23.	For river turtles	25.00
Fraction 24.	For alligators	100.00
Fraction 25.	For seaweed extraction	50.00
Fraction 26.	For shrimp fishing	100.00
(b)	On a small scale, with right to utilize vessels of a combined tonnage of less than three registered net tons:	
Fraction 27.	For general fishing	$ 1.00
Fraction 28.	For totoaba	3.00
Fraction 29.	For pearl oyster diving	10.00
Fraction 30.	For oysters	10.00
Fraction 31.	For river shellfish	10.00
Fraction 32.	For sea turtles	10.00
Fraction 33.	For river turtles	6.00
Fraction 34.	For sponge extraction	6.00
Fraction 35.	For alligators	10.00
Fraction 36.	For shrimp fishing	10.00
III.	Special permits for sport fishing in all national waters:	
(a)	Valid for one month from date of issuance:	
Fraction 37.	For nationals and resident foreigners	$ 1.00
Fraction 38.	For non-resident foreigners	4.00
(b)	Valid for three months from date of issuance:	
Fraction 39.	For nationals and resident foreigners	3.00
Fraction 40.	For non-resident foreigners	10.00

(c) Valid for one year from date of issuance:

Fraction 41. For nationals and resident foreigners . . . . . $ 10.00

Fraction 42. Formon-resident foreigners. 20.00

*IV. Baiting licenses:

(a) For fishing for bait, including jurel and striped tunny, quota per trip:

Fraction 43.	For vessels of from 1 to 10 registered tons	$	48.50
	11 to 20 " "		109.00
	21 to 40 " "		285.00
	41 to 50 " "		420.00
	51 to 60 " "		440.00
	61 to 70 " "		460.00
	71 to 80 " "		480.00
	81 to 90 " "		500.00
	90 to 100 " "		520.00
	101 to 110 " "		540.00
	111 to 120 " "		560.00
	121 to 130 " "		580.00
	131 to 140 " "		620.00
	141 to 150 " "		680.00
	151 to 200 " "		720.00
	Above 200 " "		800.00

(b) (x) For bait fishing including snapper and sword fish, monthly fee:

Fraction 44.	For boats with one-man crew	$	60.00
	Crew of two to ten		120.00
	Crew of more than ten		200.00

Included in the fees mentioned in fractions 43 and 44 of this Tariff are the exploitation, inspection and patrol taxes and surtax, but not the equipment registration fees nor those covering issuance of identification cards for the crews.

(x) As amended by decree of June 30, 1933, published in Diario Oficial on September 13, 1933.

CONTRACT-CONCESSIONS

Aside from the fees charged for the issuance of permits for the taking of fishery species in accordance with the preceding fractions, for the zones granted them, they will pay annually from the date of the authorization:

Fraction 45.	For each square kilometer of reserved fishing zone . .	$	2.00
Fraction 46.	For each square kilometer of hatching zone		1.00

INDENTIFICATION CARDS

Fraction 47.	Valid for one calendar year, for nationals or foreigners, residents or not		1.00

* IV (a) and (b) no longer granted by Decree of Dec. 28, 1933. See page 26, Art. 56 of Appendix II

REGISTRATION OF VESSELS AND FISHING EQUIPMENT AND APPARATUS

(a) Registration of vessels, fee for calendar year:

Fraction 48.	For vessels of up to 3 net registered tons	$ 2.00
	For vessels from 3 to 10 net registered tons	4.00
	For vessels from 10 to 50 net registered tons	10.00
	For vessels from 50 to 100 net registered tons	25.00
	For vessels of more than 100 net registered tons	50.00

(b) Registration of fishing equipment and apparatus, fee for calendar year:

Fraction 49.	For nets up to 10 square meters	.25
	For nets of from 10 to 100 square meters	.50
	For nets over 100 square meters	2.00
Fraction 50.	For trawls or drag nets of any description	15.00
Fraction 51.	For diving equipment of any description	20.00

EXPLOITATION RIGHTS

I. Edible products, fee per net kilo:

Fraction 52.	Fishery products in general, in their natural state, unspecified	.01
Fraction 53.	Totoaba in its natural state	.01
Fraction 54.	Totoaba, dried, smoked or salted	.005
Fraction 55.	Totoaba swim bladder	.02
Fraction 56.	Oysters shelled	.02
Fraction 56.	Oysters with shell	.005
Fraction 58.	Lobster or crawfish, alive or cooked, from the west coast of Lower California	.10
Fraction 59.	Lobster or crawfish, alive or cooked, from other waters of the Republic.	.05
Fraction 60.	Dried abalone	.05
Fraction 61.	Abalone without shell, in its natural state	.03
Fraction 62.	Abalone with shell, in its natural state	.01
Fraction 63.	Sea turtle, in any state	.01

Fraction 64.	Fresh water turtle, in any state	$ .005
Fraction 65.	Dried shrimp without shell	.02
Fraction 66.	Dried shrimp with shell	.01
Fraction 67.	Shrimp in natural state	.005

(x) I. This fee shall be applied to the weight of the shrimp if it is without mutilation upon delivery.

II. If it is fresh but the head has been removed, the fee will be increased by two thirds.

(x) As clarified by circular No. 208-34-176 of October 19, 1939. (Ministry of Treasury and Public Credit.)

Fraction 68.	Fish roe, in any state	$ .10
Fraction 69.	Dried shark fin	.10

II. Industrial products, fee per net kilo, except in specified cases:

Fraction 70.	Industrial products derived from fisheries in general, unspecified	.005
Fraction 71.	Oil from any fishery product except wolf fish and shark, which are exempt	.02
Fraction 72.	Mother-of-pearl shell	.01
Fraction 73.	Fresh water shell	.005
Fraction 74.	Abalone shell	.005
Fraction 75.	Oyster shells, per ton	.50
Fraction 76.	Tortoise shell	.50
Fraction 77.	Sponges	.10
Fraction 78.	Alligator skins	.15
Fraction 79.	Fish hides except those of the wolf fish and shark, which are exempt	.01
Fraction 80.	(x) Algae of any genus or species	.15
Fraction 81.	(xx) Abolished.	

(x) and (xx) As amended by decree of July 10, 1945 (publication in Diario Oficial).

FEES FOR THE USE OF VESSELS OF FOREIGN REGISTRY

National or foreign companies utilizing in their fishing operations vessels registered abroad, with the exception of those operating under baiting licenses, shall pay for such use:

Fraction 82.	Vessels of from 1 to 5 gross tons, per month	$ 5.00
	Vessels of from 6 to 10 gross tons, per month	10.00
	Vessels of from 11 to 20 gross tons, per month	20.00
	Vessels of from 21 to 30 gross tons, per month	25.00
	Vessels of from 31 to 50 gross tons, per month	30.00
	Vessels of from 51 to 100 gross tons, per year	500.00
	Vessels over 100 gross tons, per year	1,000.00

When two or more vessels are used, the aggregate tonnage shall be taken, paying the fees indicated in this fraction.

Article 2. By net weight should be understood that of the products without containers.

When fresh products are presented packed in boxes containing ice for shipment and distribution, according to the season, the following proportion shall be deducted from the gross weight: from March 1 to September 30, 50%; and from October 1 to February 28 (or 29), only 30%.

Article 3. Fishery products to be prepared and packed in plants established within the country under contract-concessions granted by the Ministry of Agriculture and Development in accordance with the laws in the matter, shall be exempt from payment of the exploitation fees fixed by this Tariff.

Article 4. The exploitation fees fixed in accordance with this Tariff shall be charged:

I. To the holders of concessions or permits, this to be effected where the fishery species are captured.

II. In the absence of the holders of concessions or permits, to the persons effecting the shipment at points of production.

III. To the person dealing in such products, unless he has in his possession proof that they were paid previously.

Article 5. The shippers of fishery products shall make a note upon the invoices or shipping papers to the effect that the exploitation fees were paid, stating the number of the corresponding receipt, the office which issued it, date of payment, amount paid, and the name of the product, so that upon presentation thereof at the corresponding collection office, that office may certify the correctness of the information given.

Article 6. Holders of concessions or permits shall pay the corresponding fees before the respective concession is granted, and in the case of exploitation fees, those who fail to pay the amounts due within the 48 hours following their notification by the proper authorities shall, in addition to the fees not paid by them, pay a fine of 15% of the total amount.

Article 7. It shall be the duty of the Ministry of Finance and Public Credit, together with the Ministry of Agriculture and Development, to study the cases of nonpayment of the fees

established by this Tariff, in order to determine, according to the circumstances in each individual case, the periods within which such fees and the corresponding fine should be paid.

Article 8. The administrative right to collect the fees established by this Tariff shall prescribe at the end of five years following the date on which payment should have been made.

When following the imposition of the fine to which article 6 refers, objection thereto is filed before the Court of Fiscal Violations, such penalty shall prescribe within five years from the date on which the appeal is interposed.

Article 9. When the decision by which the Court definitely imposes the fine mentioned has been rendered, or when the imposition of the fine has not been appealed, the administrative right to demand payment thereof shall prescribe within five years, in the first case, from the day following that upon which the decision is rendered, and in the second case, from the day following that on which the order imposing the fine was regarded as definite.

Article 10. The prescription to which the preceding article and the first paragraph of Article 8 refer shall be interrupted by any action towards collection taken by the fiscal authorities or by any action towards payment taken by the interested parties.

Article 11. The prescription established in the second paragraph of Article 8 shall be interrupted by action taken by the interested parties or the proper authorities, providing the latter notify the former regarding them, it being unnecessary for this requirement to be complied with when the actions of administrative offices tend only towards determining the act or acts constituting the violation.

Article 12. When the prescription has been interrupted, the time allowed shall be counted anew from the date of the interruption.

Article 13. So that the fees to which this Tariff refers may be paid by all those from whom due, all Federal or State authorities, as well as all railroad or transportation companies, land or water, are obligated to lend their cooperation to the Federal Government.

TRANSITORY ARTICLES

Article 1. This Decree shall become effective in accordance with the terms of Article 3 of the Civil Code for the Federal District and Territories, of August 30, 1928.

Article 2. All dispositions at variance with those contained in this Decree are revoked.

Usual close. January 20, 1933. Signed A. L. Rodriguez, President.

February 1, 1933, Signed Eduardo Vasconcelos, Minister of Gobernacion.

APPENDIX V

TARIFF FOR COMMERCIAL AND SPORT FISHING

Signed November 17, 1939. Published December 30, 1939.

Tariff for commercial and sport fishing in territorial waters of the Pacific Ocean and the Gulf of California, for boats of foreign registry which return to their bases with the products obtained.

Article 1. Persons who desire to engage in commercial fishing in territorial waters of the Pacific Ocean and Gulf of California, using boats of foreign registry and sending their products to foreign markets, with arrangement of the Law of December 26, 1938, must satisfy the following fees:

I. For each general permit for fishing, annually:

a.	Boats up to two tons cubic capacity	$ 50.00
b.	Boats over two tons cubic capacity but not exceeding 15	100.00
c.	Boats exceeding 15 tons cubic capacity but not exceeding 50	200.00
d.	Boats exceeding 50 tons net cubic capacity but not exceeding 100	300.00
e.	Boats exceeding 100 tons net cubic capacity but not exceeding 200	400.00
f.	Boats exceeding 200 tons net cubic capacity	500.00

II. Use of boats of foreign registry, annually:

a.	Boats up to 2 tons net cubic capacity	50.00
b.	Boats exceeding 2 tons net cubic capacity but not exceeding 15.	200.00
c.	Boats exceeding 15 tons net cubic capacity but not exceeding 50	500.00
d.	Boats exceeding 50 tons net cubic capacity but not exceeding 100	1,000.00
e.	Boats exceeding 100 tons net cubic capacity	2,000.00

When two or more boats are used, the tonnage is taken together and payment of the fees fixed in the two preceding subheadings is made on the basis of the total tonnage.

If after obtaining a general permit for fishing or authorization for the use of foreign vessels, there is requested amplification of the permit or of the authorization augmenting the tonnage so as to place it in another category, there should be paid the difference corresponding to the fees for the higher category according to the time remaining in the original permit.

III. Annual registry of vessels for each ton net cubic capacity or fraction thereof . . . . . $ 5.70

IV. Annual registry of nets, for each linear meter or fraction thereof measured on the cork line 21

For fiscal purposes the year will be counted from the date of the general permit, from the authorization for the use of vessels, or from the registries of boats and nets.

V. For the issuance of identification cards, valid only during the year in which they are issued:

a.	To non-resident foreigners	$ 4.00
b.	To nationals or resident foreigners	1.00

(x) VI. "Via la Pesca" warrant, on the storage capacity of each boat per net ton:

	For Boats of Nets	Bait
a. Up to two tons	$	$ 31.25
b. More than 2, but not exceeding 3 tons	75.00	75.00
c. More than 3 but not exceeding 15 tons	81.25	81.25
d. More than 15 but not exceeding 120 tons	62.50	50.00
e. Over 120 tons From February 20 to November 15 of the same year	62.50	50.00
From November 16 of one year to February 19 of the following year	31.25	31.25

For the purposes of paragraph e. of this section, there is taken into account the season at which the fishing trip must be made, independently of the date on which the warrant may be issued.

(x) As amended by decree of December 30, 1944, published in Diario Oficial of February 20, 1945.

Article 2. Individuals and organizations owning foreign vessels engaged in sport fishing in national waters of the Pacific Ocean and the Gulf of California, shall pay the following fees:

I. Special sport fishing permit, annually. $800.00

II. For the use of boats of foreign registry, the fees shown in section II of Article 1.

III. For the registry of vessels and the issuance of identification cards, the fees listed in section III and V of said Article 1.

Article 3. Individuals and organizations owning vessels of Mexican registry engaged in sport fishing in national waters of the Pacific Ocean and the Gulf of California, will pay the following fees:

I. Special sport fishing permit, annually . . . . . $ 5.00

II. For the registry of vessels and the issuance of identification cards, the fees listed in section III and V of Article 1, reduced to the fourth part.

Article 4. Owners of private yachts or of portable boats of foreign registry which enter Mexican waters of the Pacific Ocean or the Gulf of California to engage in sport fishing, shall pay the following fees:

I. Private Yachts. Sport fishing permit, valid for one month . . . . . $ 25.00

II. Portable, other. Sport fishing permit, valid for one month 4.00

III. Registry of boats, monthly, per ton cubic meter capacity or fraction 60

IV. Issuance of identification cards valid only during month of issuance:

a. For non-resident aliens . . . . . $ .50
b. For nationals or resident aliens 25

When the vessels to which section II refers are handled by their owners, the fees for identification cards for crew shall not be required.

The owners of sport boats of Mexican registry shall be exempt from the fees shown in this Article.

Article 5. Persons engaging in sport fishing in national waters of the Pacific ocean and the Gulf of California shall pay the following individual fees:

I. Sport fishing on board foreign boats as mentioned in Article 2, per day . . . . . $ 2.50

II. Sport fishing on board boats of private ownership or of Mexican registry:

a. Nationals and resident aliens:
Valid for one month 1.00
Valid for three months 2.50
Valid for one year 9.00

b. Non-resident foreigners:
Valid for three days 2.00
Valid for one month 4.00
Valid for three months 10.00
Valid for one year 20.00

Nationals and foreign residents in Lower California and those who enter national territory through the frontier ports of Tijuana or Mexicali, B. C., to engage in sport fishing, are exempt from the payment of fees for individual permits, provided they use national boats or portable boats or fish from the beach.

Article 6. The fees shown in Article 1 apply only when the fiscal proceedings originate and are collected in the ports of Ensenada, B. C., Salina Cruz, Oax., or other national ports legally authorized for this purpose.

Otherwise there will be applied an increase of 25% in each payment, except in the case of boats not exceeding 10 tons net cubic capacity which will not be subject to any increase even though the fees in question originate and are paid abroad.

Article 7. The percentage which paragraph 4 of Article 3 of the Income Law of the Federal Treasury for 1939 fixes for the territories North and South of Lower California, will be paid in accordance with the following:

I. To each Territory will correspond 50% of the fees collected in accordance with this Tariff and associated dispositions, provided that the revenue is derived from a fishery activity effected in national waters adjacent to the Territory in question.

II. When it is not possible to determine the place where the fishery activities were carried out, such 50% shall be divided equally between the two Territories of Lower California.

APPENDIX VI

EXCERPTS FROM

MEXICAN CONSTITUTION

Article 27. The ownership of the lands and waters comprised within the boundaries of the national territory is vested originally in the Nation, which has had, and has, the right to transmit title thereof to private persons, thereby constituting private property.

Private property shall not be expropriated except for reasons of public utility and subject to payment of indemnity.

The Nation shall at all times have the right to impose on private property such limitations as the public interest may demand, as well as the right to regulate the utilization of natural resources which are subject to appropriation, in order to conserve them and to insure a more equitable distribution of the public wealth. With this end in view, the necessary measures shall be taken to divide up large landed estates; to develop small landed holdings in operation; to create new agricultural communities with the indispensable land and waters; to encourage agriculture in general and to prevent the destruction of natural resources, and to protect property from damage to the detriment of society. Centers of population which at present either have no lands or water or which do not possess them in sufficient quantities for the needs of their inhabitants, shall be entitled to grants thereof, which shall be taken from adjacent properties, the rights of small landed holdings in operation being respected at all times.

In the Nation is vested the direct ownership of all minerals or substances which, in veins, ledges, masses or ore-pockets, form deposits of a nature distinct from that of the earth itself, such as the minerals from which industrial metals and metaloids are extracted; deposits of precious stones, rocksalt and the deposits of salt formed by sea water; products derived from the decomposition of rocks, when subterranean works are required for their extraction; mineral or organic deposits of materials susceptible to utilization as fertilizers; solid mineral fuel; petroleum, and all solid, liquid or gaseous hydrocarbons.

In the Nation is likewise vested the ownership of the waters of the territorial seas, to the extent and within the limits fixed by International Law; of the waters of lagoons and estuaries which connect intermittently or permanently with the sea; of the waters of inland lakes of natural formation which are directly connected with streams having a constant flow; of the waters of rivers and their direct or indirect tributaries, from the source of their first permanent, intermittent or torrential waters to their outlet into the sea, lakes, lagoons or estuaries of national ownership; of the waters of streams having a constant or intermittent flow and of their direct or indirect tributaries, whenever the bed of the former, throughout their entire extent or part of same, forms National or two State boundary lines or passes from one State to another or crosses the National boundary line; of the waters of lakes, lagoons or estuaries whose beds, zones or banks are crossed by the boundary lines of two ormore States or by the National boundary line or when the limit of the banks serves as the National boundary line or as the boundary between two States; of the waters of springs which rise on beaches, maritime zones, beds or banks of lakes, lagoons or estuaries of National ownership and of the waters extracted from mines. Water in the subsoil may be extracted freely by artificial works and be appropriated by the owner of the land, but whenever public interests so demand or other utilizations are affected, the Federal Executive is empowered to regulate its extraction and utilization and even to establish closed areas, the same as for the other waters of national ownership. Any other waters not comprised in the foregoing enumeration shall be deemed as an integral part of the property through which they flow or the deposits are found, but if located on two or more properties, the utilization of such water shall be considered of public welfare and shall be subject to the rulings that may be passed by the States.

In the cases to which the two preceding paragraphs refer, the ownership of the Nation shall be inalienable and imprescriptible; and concessions shall only be granted by the

Federal Government to private individuals or civil or commercial corporations organized in accordance with Mexican Laws, on condition that regular works are established for the utilization of said resources and that all requisites set forth in the laws are complied with. No concessions will be granted in the case of petroleum, or solid, liquid or gaseous hydrocarbons, and the respective Regulating Law will specify the form in which the Nation will carry out the exploitation of such products.

Legal capacity to acquire ownership of lands and waters of the nation shall be governed by the following provisions:

I. Only Mexicans by birth or naturalization and Mexican corporations have the right to acquire ownership of lands, waters and their appurtenances, or to obtain concessions for working mines or for the utilization of waters or mineral fuel in the Republic of Mexico. The Nation may grant the same right to aliens, provided they agree before the Ministry of Foreign Relations to consider themselves as Mexicans in respect to such property, and bind themselves not to invoke the protection of their Governments in matters relating thereto; under penalty, in case of non-compliance, of forfeiture to the Nation of property so acquired. Under no circumstances may foreigners acquire direct ownership of lands and waters within a zone of 100 kilometers along the frontiers and of 50 kilometers inland from the seacoast.

.....

IV. Commercial stock companies may not acquire, hold or manage rural properties. Companies of this nature which may be organized to work factories, or to engage in mining or in the petroleum industry or for any other purpose except agriculture may acquire, hold or manage lands, but only in the area strictly necessary for their buildings or services. This area shall be fixed in each particular case by the Executive of the Union or of the respective State.

.....

Article 133. This Constitution, the laws of Congress arising thereunder, and all Treaties in accordance therewith already entered into or which in the future may be entered into by the President of the Republic, with the approval of the Senate, shall be the Supreme Law of the Land. And the Judges in every State shall be bound by this Constitution and by these laws and treaties, in spite of conflicting provisions in the Constitution or laws of any State.

.....

APPENDIX VII

LAW OF GENERAL WAYS OF COMMUNICATION

Signed December 30, 1939. Published February 19, 1940.
As amended to January 25, 1947.

BOOK ONE

CHAPTER I

Article 1. The general ways of communications are:

I. The territorial seas in the extension and terms established by the laws and by International Law.

.....

CHAPTER II

Jurisdiction

Article 3. The General Ways of Communication and the transportation methods operating on them are subject exclusively to the Federal Powers. The Executive shall exercise his powers through the Ministry of Communications and Public Works in the following instances and without prejudice to the provisions of the Law of Ministries of State and Autonomous Departments or the specific powers which other legal orders grant to the Ministry of National Economy:

I. Construction, improvement, conservation and exploitation of the general ways of communication;

II. Inspection and patrol;

III. Authorization, interpretation and enforcement of concessions;

IV. Making contracts with the Federal Government;

V. Cancellation, rescision and modification of concessions and contracts celebrated with the federal Government;

VI. Authorization and revocation of permits;

VII. Expropriation;

VIII. Approbation, revision or modification of rates, routes, schedules, distance tables, classifications and in general, all documents related to the exploitation;

IX. Registration;

X. Sale of the general ways of communication and means of transportation, as well as all the questions that affect their ownership;

XI. The guarding of the Nation's rights with respect to the legal situation of properties subject to reversion in accordance with this Law or with the respective concessions;

XII. Violations of this Law or its regulations; and

XIII. All questions of an administrative nature related to the general ways of communication and means of transportation.

Concerning paragraphs IV and V, the prior approval of the Ministry of Treasury and Public Credit shall be indispensable whenever the actions taken in the use of these powers entail the expenditure of public funds, compromise public credit or affect public properties or those in the custody of the Government.

.....

CHAPTER III

Concessions, permits and contracts.

.....

Article 8. In order to construct, establish or exploit general ways of communication or any type of services connected with them, it shall be necessary to have a concession or permit from the Federal Executive, through the Ministry of Communications, and subject to the precepts of this Law and its regulations.

The construction, establishment or exploitation of general ways of communication shall be subject to a general plan in accordance with the necessities of the national economy, which shall be made known to the public and for which purpose the Ministry of Communications shall publish, within the first two weeks of the month of January of each year, the corresponding work program which must be in accordance with the following general bases:

.....

Article 12. The concessions for the construction, establishment or exploitation of general ways of communication shall be granted only to Mexican citizens or to organizations established in accordance with the laws of the country. When organizations are concerned, it shall be established in the respective document that in case there are or in the future may be one or more foreign members, these shall be considered as nationals with respect to the concession, obligating them, in matters referring to the concession, not to invoke the protection of their Governments, under penalty, if they do so, of losing in favor of the Nation, all the property acquired for the construction, establishment or exploitation of the way of communication, as well as the other rights granted them by the concession.

Article 13. Individuals or companies to whom is granted a concession or permit to construct or exploit general ways of communication shall themselves carry out such construction or exploitation and they may not, under any circumstances, organize associations to which they cede the rights acquired in the concession or permit.

Nevertheless, the Ministry of Communications shall be permitted to authorize cession of the rights and obligations stipulated in the concession or permit, when in its opinion it may be advisable, as long as they have been in effect for a period of not less than five years and the holder has fulfilled all his obligations.

Article 14. Those interested in obtaining concessions or permits to construct, establish or exploit general ways of communication shall present a request to the Ministry of Communications, in accordance with the precepts of this Law and its regulations, accompanying it with the studies referred to in article 8.

.....

Article 17. The concessionnaires, as a guarantee of fulfillment of their obligations, shall make the deposit or post the guarantee fixed by the Ministry of Communications.

Article 18. In no case will it be permitted, directly or indirectly, to cede, mortage, nor in any manner encumber or transfer the concession, the rights granted in it, the way of communication, buildings, stations, auxiliary services, agencies or accessories, to any foreign Government or State, nor to admit them as members of the concessionary company.

Any operation conducted contrary to the precepts of this article shall be null and void.

.....

CHAPTER V

Termination and abrogation of concessions
and contracts and revocation of permits

Article 29. Concessions will terminate for any of the following causes:

.....

IV. Because the concession, or any of the privileges granted by it, or the properties in connection with the service in question, are transferred, without prior approval of the Ministry of Communications;

V. Because the concession, or any of the privileges granted by it, or the properties in connection with the public service in question, are ceded, mortgaged, transferred, or in any way encumbered, in favor of any foreign Government or State, or because the latter are admitted as members of the concessionary company;

.....

VIII. Because the nature or conditions of operation of the service, the line or route of the way of communication,or the installation circuits, or their location, are modified or substantially altered without prior approval of the Ministry of Communications;

IX. Because the concessionnaires fail to pay the share due the Federal Government, in cases in which such has been stipulated in the concessions, or because the Treasury is defrauded in its share, without prejudice to the corresponging penal responsibility which may result;

.....

XI. Because the concessionnaires do not comply with their obligation of conducting the various types of correspondence;

XII. For not authorizing the bond or making the deposit referred to in article 17.

.....

Article 38. The permits shall be revokable in the manner and terms established by this Law and its Regulations.

.....

CHAPTER VII

Exploitation of general ways of communication

Article 48. A general way of communication based on a concession or permit, and its associated services, must not be exploited without prior authority from the Ministry of Communications in accordance with the regulatory provisions.

After fulfillment of the necessary requirements for the exploitation, the authorization to function shall be granted immediately.

.....

Article 50. The exploitation of general ways of communication, based on a concession or permit, shall be carried out in conformity with the schedules, rates and rules previously authorized by the Ministry of Communications.

.....

Article 53. The concessionnaires and permissionnaires of general ways of communication and means of transport are obliged to combine their ways, lines or installations with other companies and with the Federal Government, as well as to combine their services with those of other companies and the Federal Government when public interest so demands, whenever in the opinion of the Ministry of Communications, there exist the technical requirements necessary to an efficient service. The Ministry of Communications shall in each case fix the bases upon which the ways, lines or installations are to be combined and the joint service effected, after hearing the interested parties.

.....

CHAPTER VII

Personnel and property of companies
subject to concessions

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Article 87. The associations exploiting general ways of communication, whose boards of directors or advisors have foreign residence, are obliged to maintain in the Republic at the place of residence or at that which the concession designates, a local board of directors or advisors, in accordance with the articles of incorporation for organizations, and who shall form part of their board of directors or advisors.

Article 88. The articles of incorporation and by-laws of the organizations referred to in the previous article, shall determine the powers of the local board. Under any circumstances the board of directors or advisors having foreign residence, and the executive committee, in their respective instances, shall be obliged to send to the local board, a complete certified copy of the minutes of their meetings and the decisions that are made, as well as the minutes of the stockholders meetings. The board of directors or advisors and the executive committee shall also be obliged to inform the local board of all financial operations effected.

.....

CHAPTER IX

Rights of the Nation

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Article 110. The Federal Government shall have the right to share in the income received by companies of general ways of communication and means of transportation for the exploitation of the services covered by their concessions. Such share shall be fixed in the concessions or permits.

.....

Article 114. The Nation reserves the right at any time to declare specific areas temporarily or permanently closed to maritime, fluvial or aerial navigation.

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BOOK THREE

CHAPTER II

Works in waters of federal jurisdiction
in the ports and in federal zones

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Article 175. No works of any type may be performed in waters of federal jurisdiction or in river or lake general ways of communication or on beaches or in federal zones, without due authorization of the Ministry of Communications. The same requirement shall be necessary in order to occupy them, extract material from or dump material on them. In cases of these authorizations, prior technical advice shall be obtained from the Ministry of National Defense.

.....

Article 180. Right of preference to obtain the authorizations referred to in the previous articles will be granted to:

I. Groups of laborers, cooperatives and companies who build docks, warehouses, shipyards, drydocks, ways, fish packing plants or any other work connected with navigation;

II. Groups of laborers, cooperatives and companies authorized for the exploitation of the natural resources of the surface or subsoil waters of the zone intended to be occupied, or terrain contiguous to it;

III. The owners, renters or those having the usufruct of terrain contiguous to the zones requested, and

IV. Groups of laborers, cooperatives and public service companies, when the works are directly related to such services.

.....

CHAPTER III

Of navigation

Article 189. Navigation in territorial seas of the Republic is free to boats of all countries in the terms of International Law and Treaties.

Foreign vessels navigating in Mexican waters are obliged by virtue of this fact, to comply with the laws of the Republic and of its various regulations.

Article 190. The high seas ports of the Republic are open to the commerce of all nations. Intercoastal ports and other points on the coast or along the river banks are also open to boats in the traffic permitted to them in accordance with the provisions of this Law.

Article 191. Boats from any foreign port, arriving at a Mexican port, must be provided with the necessary consular clearance papers, in accordance with the regulatory provisions.

.....

Article 193. Although the privileges mentioned in this article constitute an exclusive prerogative for Mexican merchant ships, foreign ships with the permission of the Ministry of Communications as long as the latter deems it advisable, may:

I. Operate in Mexican waters as boats, factories, dredges, cranes, etc.;

.....

IV. Effect fishing services in national waters in accordance with the legal provisions in the matter.

.....

Such ships shall be subject to the provisions of this Law and its Regulations with reference to the exploitation of the services in question.

Article 194. All services and operations which this Law does not authorize for foreign boats are understood to be reserved exclusively for Mexican boats; but in order that foreign boats may perform any of the operations for which Mexican boats have preference, it shall be necessary that they meet equal or better conditions than the Mexican boats.

.....

Article 195. Navigation is classified as either maritime or interior, the former being subdivided into high seas navigation and coastal navigation, and shall be governed by the rules fixed by the respective regulation.

Article 196. The types of navigation to which the preceding article refers are as follows:

I. Transportation of passengers;

II. Transportation of cargo;

III. Fishing;

IV. Towing, and

V. Dredging, salvaging and other works related to water communications or port works.

.....

Article 200. The Ministry of Communications in exceptional cases demanded by the public interest, has the power to determine the routes and to limit the number and tonnage of the vessels engaged in specific traffic, taking into consideration the efficiency and safety of the vessels, as well as the guarantee which they must give to the passengers and cargo transported, when in its judgment the necessities of the service are considered covered. The regulations shall determine the conditions the boats must meet in order to engage in the navigation and traffic referred to in articles 200 and 201 of this Law.

.....

CHAPTER IV

Of entries and landfalls

Article 201. Entries are when a boat arrives at any point on the coast coming from a different port or place, regardless of whether it embarks or disembarks persons or effects.

Article 202. Entries may be:

I. Anticipated, i.e., designated in the clearance papers of the vessel;

II. Unanticipated, i.e., those which occur in places other than those noted in the documents to which the previous paragraph refers, in order to suit the interests of the boat; and

III. Protest, i.e., those which occur under mandate of law or fortuitous cause or force majeure.

The entries referred to in this article shall be justified in the manner and terms provided by the regulation concerned.

Article 203. The captains of the vessels which enter any point within national jurisdiction are obliged:

I. To present themselves personally, unless justifiably prevented, before the port captain, delivering in writing the data or information fixed by the regulation concerned;

II. To deliver the clearance papers granted the boat by the Mexican Consul or maritime authority in the port of departure, as well as the other documents required by the respective laws and regulations, and

III. Show their log books and permit the taking from them of facts which the Port Captaincy may deem advisable.

Article 204. In order to guarantee the responsibilities of foreign shipping companies in cases of accidents or labor obligations due to work aboard the boats, their agents or representatives in Mexico shall be obliged, in accordance with the provisions of the Commercial Code, to take out insurance with a company established in this country, in favor of the Mexican laborers who might become their creditors, by reason of such work ordered by the boat authority.

The consignees of the merchandise for whose account such work is performed aboard foreign boats, have the obligation established in the preceding paragraph with respect to those labors which take place away from the boat.

Article 205. Once the requisites of article 203 are satisfied, the Port Captain shall declare the boat to be in line for the operations that follow, issuing the corresponding authorization so that the boat may then change berth and tie up, as may be necessary, with the understanding that once these acts have been performed, another authorization shall be required from said Captaincy to effect further changes of berth or tie-ups, except in fortuitous cases or force majeure.

Upon prior posting of a bond in the amount determined by the Port Captaincy, that authority shall make the declaration referred to in the previous paragraph, on the petition of the interested parties, although the requirements mentioned may not have been fulfilled.

The bond mentioned in this article shall be in accordance with the amount of the pecuniary penalties which may be imposed on the captains or consignees of the vessels for lack of compliance with any legal requirement.

.....

Article 206. A landfall occurs when a vessel approaches the coast to reconnoitre or in order to rectify its position, continuing its voyage.

Article 207. Upon fulfilling sanitation and migration requirements, vessels which enter a Mexican port, immediately after their entry, when it is appropriate, may:

I. Disembark passengers and cargo;

II. Embark fuel and food, and

III. Not effect any other operation until after complying with the provisions of article 203 and the corresponding requirements.

Vessels which arrive at any other place not considered a port, may not effect any operation without previously complying with the provisions of said article and only providing that they have the necessary permit.

.....

CHAPTER VII

Of clearance of vessels

Article 219. Departure from port occurs when the vessels pass the limits of same. Departure from open roadsteads is consummated by the act of untying the lines and lifting anchor for the purpose of getting underway and making for sea.

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Article 227. The Port Captaincy shall prohibit the departure of boats when it is judged advisable, because of bad weather or warning of such.

Article 228. Vessels belonging to companies, groups of laborers or cooperatives engaged in the fishing industry, as well as those belonging to persons who, not having employees, engage in that industry, may be cleared only when in addition to complying with the requirements of this Law and its Regulations, they show proof of being authorized by the proper federal agency, for the exploitation in which they are engaged.

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CHAPTER VIII

Of naval inspection service

Article 231. Subject to the requirement of inspection are:

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c) Those (vessels) which propose to obtain permission from the Ministry of Communications to engage in traffic reserved for national boats.

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Article 232. Inspection shall be made:

.....

III. Upon the expiration of the navigation period of the vessels subject to inspection;

.....

Article 233. The vessels shall be subject, in addition, to a periodic inspection which shall consist of total and partial inspection of everything that may enter, directly or indirectly, into the navigation and traffic of the vessels. It shall also consist of determining, approving or rectifying the Plimsoll line, or load-line mark, as well as the tonnage, in accordance with the proper regulation.

.....

Article 235. The navigation period set for the vessels cannot be greater than three years for those propelled by sails, and one year for others.

.....

Article 239. The proprietors, ship owners, captains and other members of the crews of the boats are obliged to facilitate inspections by all means at their disposal, furnishing all kinds of data and information and ordering the maneuvers which are requested of them.

The shipping companies shall be obliged to cover all the expenses occasioned by the inspections and of a special nature, such as resistance tests, determination of thicknesses, stability experiments, and those which the maritime authorities deem necessary, including in such total, that of the expenses occasioned by the repair of damaged material.

.....

APPENDIX VIII

DECREE RESERVING THE EXPLOITATION OF THE VARIOUS SPECIES OF SHARK FOR THE REGIONAL FISHERMEN ORGANIZED IN COOPERATIVE SOCIETIES.

Signed October 25, 1940. Published November 15, 1940.

D E C R E E :

Article 1. The exploitation of the various species of shark in all the ocean waters of the Republic is reserved for the regional fishermen legally organized into cooperative societies or who may organize as such in the future.

Article 2. The exploitation of the shark species effected by the cooperative societies shall conform in all details to the Fishing Law and regulations in effect, as well as to the tariff that may be established and to all the dispositions that may in the future be issued taking into account the potential production of the localities that it is intended to exploit, when a specific species indigenous to the region is involved.

.....

(x) D E C R E E :

Article 1. Until such time as cooperative societies of national fishery production are formed and operate regularly, the exploitation of the various species of shark in ocean waters of the Republic may be authorized to private initiative in those regions in which such organizations do not exist, the corresponding permit to state the limits which it may cover, in the judgment of the Ministry of Marine, in order not to interfere with the operations of the coastal cooperatives functioning.

Article 2. As a guarantee to private investments which may be made in shark exploitation, the permits issued under this decree shall be valid for a maximum period of one year from the date of issue, during which no restrictions shall be placed on the activities of the permit holder because of the organization or operation of any cooperative society in the zone in question; with the understanding that the permit holder shall not have the right to obtain a new permit if any fishery production cooperative has been formed in the zone fixed for his exploitations or if any of the cooperatives existing on the coast begins regular operations in that zone.

(x) As amended by Decree of September 18, 1941, published in Diario Oficial on October 17,1941.

(xx) R E S O L U T I O N :

I. In a zone of ocean territorial waters covering fifteen nautical miles on either side of the coast of each port in which there are officially located Cooperative Societies of Fishery Production, registered in accordance with the laws and engaged in shark fishery, only these organizations shall be permitted to exploit that selachian. When such Cooperatives are officially located in the interior of the country, the port used by their vessels as their principal base will be considered as the basis for this regulation.

II. Outside of the zone indicated in section I of this resolution, both the Cooperative Societies holding permits and the individuals legally authorized to fish shark are allowed to effect such exploitations, respecting prior rights in the installation of "cimbras" (long set lines with from 20 to 50 hooks baited with fish), nets, lines or any other fishing apparatus, it being prohibited to install any fishing equipment within a distance of less than five hundred meters from that already installed; such distance shall also be observed by the Cooperatives when they operate in the zone indicated in section I of this resolution.

(xx) As amended by Resolution of November 12, 1941, published in Diario Oficial on Dec. 3,1941.

APPENDIX IX

RESOLUTION CONCERNING THE USE OF PURSE-SEINE NETS IN TERRITORIAL WATERS OF THE PACIFIC OCEAN AND THE GULF OF CALIFORNIA

Signed April 22, 1940. Published May 2, 1940.

FIRST. Until this Executive specifies, in accordance with the needs which in the opinion of the National Marine Department exist for the protection of our fishery resources, those places where it is proper to permit definitively the use of purse-seine nets, the lampara and ring nets, based on Article 2, Section III, insert b), of the Fishing Law of December 26, 1938, foreign fishing vessels are provisionally authorized to use the nets or seines mentioned in the national waters of the Pacific Ocean and the Gulf of California.

. . . . . .

APPENDIX X

RESOLUTION ESTABLISHING CLOSED SEASONS AND OPEN SEASONS FOR THE EXPLOITATION OF SHRIMP ON THE COASTS OF SONORA, SINALOA, AND NAYARIT.

Signed April 15, 1939. Published April 24, 1939.

(x) ORDER:

ONLY ARTICLE. Articles 1 and 2 of the resolution of April 15, 1939, published in the "Diario Oficial" of the Federation on April 24 of the same year, are modified as follows:

Article 1. The following closed seasons are declared for the fishing of shrimp:

a) For protected maritime waters, from the Port of Mazatlan south as far as the southern boundary of the State of Nayarit, an annual closed season from the 1st of February through July 31st.

b) For protected maritime waters, from the Port of Mazatlan north, and on both coasts of the two Territories of Lower California, two closed seasons annually: one from March 1st to April 15th and the other from June 1st to July 31st.

c) For outside maritime waters, i.e., the shrimp fishery of the high seas and points far from the coast, carried out by larger vessels, in the waters of Nayarit, Sinaloa, Sonora and both Territories of Lower California, from August 1st to September 30th each year.

(x) As amended by order of April 18, 1947, published in Diario Oficial on April 25, 1947.

Article 3. The utilization of the stocks on hand at the beginning of the closed seasons shall be effected in accordance with the provisions of Article 52 to 55 of the Regulations of the Fishing Law now in effect.

Article 4. Exploiters engaging in shrimp fishing in maritime territorial waters by means of drag nets or trawls are obliged to make use of all the species of fish captured in their operations, either using it for purposes of nutrition or for industrialization in national territory, it being therefore necessary to obtain a general fishing permit as well as the special permit for shrimp.

Article 5. This Department shall supervise the operations of the vessels equipped with trawls or drag nets, for which purpose it will place an inspector aboard each. The companies owning the vessels shall furnish free of charge lodging and meals on board such vessels and in addition, the masters thereof shall be obliged to furnish the inspectors with the data and information which they may require in order better to fulfill their duties.

Article 6. In accordance with the provisions of Article 65 of the Regulations to the Law of Fishing in effect, exploiters engaged in the capture of shrimp by the use of various systems of weirs and traps, shall be obliged to take them down as soon as the closed season commences, as well as to keep them clean, removing them at the end of the open season.

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APPENDIX XI

Directorate General of
Fisheries and Allied Industries

Office of the Director

OFFICIAL CIRCULAR B-41-

Sharks should be fully utilized.

Mexico, D.F., November 12, 1941

You are advised that some shark exploiters utilize only the livers, throwing away the rest of the animal, and as this waste is unnecessary and produces an injury to the national economy, since the hides and fins can be exported and the salt-dried meat is acceptable in the local markets where it can be sold at low prices within reach of the poor, you are requested to notify the permissionnaires of their obligation to utilize that fishery product in its entirety, which they shall prove to the satisfaction of the enforcement employees of this Directorate; if necessary you are to apply Article 59, section II of the Fishery Regulation, to punish violators.

The regulation referred to says:

"Article 59. Without prejudice to the prohibitions of a special nature established in Title IV of this Regulation, it is absolutely prohibited: .....

"II. To throw in maritime or fluvial waters or to abandon on the shores or banks, fishery products and their waste matter, except under the circumstances covered by Article 91 of this Regulation."

Very truly yours,

THE ASSISTANT DIRECTOR

Eduardo F. Garrido

. . . . . .

APPENDIX XII

CONTRACT-CONCESSION

(DIARIO OFICIAL, Thursday, February 21, 1946)

MINISTRY OF MARINE

CONTRACT - concession granted Messrs. (_____&_____), for the development of general fisheries and the marine turtle in particular, in the waters of the Pacific Ocean.

At the margin, a seal bearing the inscription: Federal Executive Power.—United Mexican States.—Mexico.—Ministry of Marine.—Directorate General of Fisheries and Allied Industries.—Regulation, Contract and Permit Section.—File 401/264.—Ant. B-41-2723.

CONTRACT - concession granted by the Ministry of Marine to Citizens (_____&_____), for the development of general fisheries and particularly the marine turtle, in waters of the Pacific ocean, requiring the establishment of a processing and packing plant and a freezing plant in the State of Guerrero.

Article 1st.— In the text of this contract-concession the Ministry of Marine will be referred to as "the Ministry" and the Citizens (_____&_____), "the concessionaires".

Article 2nd.— The concessionaires state that they are Mexican citizens, in full possession of their civil rights and up to date in the payment of income tax.

Article 3rd.— The Ministry authorizes the concessionaires, jointly and together, to participate in general fisheries and particularly that of the marine turtle until such time as this species is reserved for utilization of Fishing Cooperatives, in waters of the Pacific ocean; and to obtain from these legally authorized cooperatives, the fishery products reserved for them, with the understanding that such products are to be used exclusively for purposes of processing, the waste material to be used for fertilizers, this authorization not to be considered as of an exclusive character.

Article 4th.— The duration of this contract-concession shall be of five years from the date on which it enters into effect, renewable for a further ten years to complete the fifteen authorized by article 22 of the current Fishery Law, provided that during the first five years the concessionaires have complied with each and every clause of the contract and can show to the satisfaction of the Ministry, that they have invested a minimum capital of $60,000.00 (sixty thousand pesos) Mexican currency; and that they have not violated the laws, regulations or other rulings covering fisheries, or any of a federal character related thereto; with the understanding that at the termination of this contract either by expiration of the period of time, by revocation, or by default, all material improvements made for the enterprise will become the property of the nation, in accordance with this concession. Such material will be delivered to the Ministry by the person authorized, up to the sum of $60,000.00 (sixty thousand pesos) Mexican currency, in accordance with the inventories appearing in the corresponding file.

Article 5th.— The concessionaires have the right to:

I.— Effect the capture of the products covered by the legal phrase "General fisheries" and of the marine turtle, in accordance with the provisions of article 3rd of this contract.

II.— Request and obtain from the Ministry, a reserved fishery zone which, if and when it is deemed in order, will be granted them in accordance with articles 4, 7 and 106 of the Fishery Regulations mentioned, for which, in addition to the payments stipulated in this contract, they will pay the corresponding sums in accordance with clause 45 of the current Fishery Tax Law.

III.— Arrange directly with the proper federal body, for the authorizations necessary to proceed, in accordance with the stipulations of article 15 of the Fishery Regulations currently in effect, with the occupation of vacant lands or government lands necessary for the construction of the installations required to fulfill the purposes of this contract, as well as with the drilling of wells in such lands, for the purpose of supplying fresh water, and also, with the obtaining of the other natural products which may exist there, for the purpose of improving existing facilities.

When a federal zone is to be occupied, the concessionaires must obtain the corresponding authorization from the Ministry, in accordance with the regulation covering occupation and construction of installations in territorial seas, navigable streams, beaches and federal zones, with the understanding that plans will be presented directly to the Directorate General of the Merchant Marine, which, in turn, may grant the corresponding rental contract. If localities subject to floods or those used for irrigation purposes, or streams included in Irrigation Districts are to be occupied, the concessionaires must obtain the approval of the corresponding authorities.

IV.— To install shipyards, docks, lights, signals and everything necessary for the success of the enterprise, subject to the Ministry's decisions in the matter.

V.— To transfer this Contract-concession, upon authorization by the Ministry of Marine, to any person or entity duly constituted in accordance with the laws of the Republic, when application for such transfer has been approved. For this purpose, the consent of the Ministry of Foreign Relations must also be obtained with reference to article 33 of the Nationality Law. The person or entity becoming the new holder of this Contract shall expressly agree to be responsible, without reserve or limitation, for all obligations accepted by the concessionaires in this document, and an essential clause must be inserted in the corresponding deed of transfer, covering this obligation, as provided in article 13 of the Regulations of the current Fishery Law.

VI.— To employ, in the absence of national boats sufficient for their fishing operations, boats of foreign registry, for the period of time determined by the Ministry, from whom approval must be obtained in each case. In addition, they may make use of floating processing plants and live-well boats when necessary, upon authorization by the Ministry; with the understanding that the use of such will be permitted only as auxiliaries to the plant which they are required to establish in one of the localities mentioned in article 6, clause III. The Ministry is to be informed prior to the use of such, so that the Directorate General of Fisheries and Allied Industries may appoint an inspector who will be located on board the vessel used as a floating processing plant, and whose salary and subsistence will be for the account of the concessionaires, based upon the scale provided in the current Expense Budget.

VII.— Exemption from exploitation tax on the fishery products captured under the provisions of this contract-concession and for direct and exclusive packing in the plant to be established in the locality mentioned above, in accordance with the provisions of article 3 of the current Fishery Tax Law, with the understanding that products acquired from other concessionaires or from cooperatives, will be subject to that tax.

VIII.— To elaborate oils in the plant and to produce fertilizers and animal food from the fish waste matter and from inedible marine species.

IX.— To contact the proper authorities directly with reference to reduction of certain taxes, in accordance with the laws of the Republic.

Article 6th.— The concessionaires are required to:

I.— Pay annually and in advance, the sum of $160.00 (one hundred sixty pesos) Mexican currency, in accordance with the provisions of clauses I and X of the current Fishery Tax Law. In case of modification of this tax law, the concessionaires will pay in accordance with the changes made when such are applicable to this contract, these payments being requisite to the validity of same. They are also required to pay the taxes corresponding to the various

fishery and other operations which they perform, and those covering identification cards issued the fishermen employed in their fishery operations.

II.— Within a period of 30 days, not extendable, from the date on which this contract is signed, the concessionaires shall post a bond of $10,000.00 (ten thousand pesos, Mexican currency), to guarantee to the Federal Government the payment of the fishery taxes incurred, as well as each and every obligation stipulated in this contract, such bond subject to the approval of the Federal Treasury. In the absence of such guarantee, this Contract-concession remains invalid.

III.— To establish in the port of (_____) or that of (_____), State of (_____), or any other locality on the coast between these two ports, a processing and packing plant and a freezing plant for the fishery products covered by this contract. Construction of installations shall commence within a period of 60 days, not extendable, from the day after authorization by the Ministry.

IV.— To present, within a period of 60 days, unextendable, from the day after this contract enters into effect, plans and specifications for construction of the building and installation of the machinery of the packing plant mentioned in the foregoing clause of this article, as well as a memorandum covering production methods and purpose of the factory, so that the Ministry may make a study of them, granting approval if they are found to be in order, and authorizing their execution.

V.— To complete construction and equipment of the processing plant and put it into operation within a period of twelve months, unextendable, from the date on which construction is commenced.

VI.— To provide the installations necessary to prevent interruption of public or private means of communication, as well as to avoid damage to existing hydro-electric installations and in general to avoid damage to the interests of third parties who have recognized rights.

VII.— To deliver to the Ministry samples of each of the fishery products to be processed under the terms of this contract.

VIII.— To employ Mexican labor, preferably local, in the work or operations carried out. Only in case of dire necessity will the employment of foreign technicians be permitted, subject to the provisions of the Labor Laws on this subject.

IX.— To admit into the enterprise two students named by the Ministry, preferably from the Polytechnic Institute, to gain experience in the preparation of the various products and other processes covered by this contract, furnishing them with lodging and meals and with any information they may need as an aid in gaining such experience.

X.— To render annually at the end of the calendar year, by March 15 of the following year at the latest, a detailed, verified report of activities carried on, development, exports effected and merchandise sold domestically, in accordance with the provisions of article 27 of the current Regulations of the Fishery Law, and to furnish the Ministry at all times with data and information requested regarding the activities of the enterprise, for which purpose the register book provided for in article 35 of that Law should be kept.

XI.— To submit all data necessary to the economic-coactive committee established by the Organic Law of the National Treasury, to furnish proof of payment of all taxes to the Federal Government.

XII.— To appoint a legal representative in this city, with whom the Ministry is to negotiate all matters relative to the activities of the enterprise. Any change of address of the enterprise or its representative should be communicated to the Ministry.

XIII.— To devote a minimum of at least 34% of total production of industrial fishery products or fresh fish, to domestic consumption, all products packed by the concessionaires to be included in this percentage.

XIV.-- To respect the exercise of legitimate rights acquired by third parties and to be subject in all activities and operations covered by this authorization, to the provisions of the law, regulations, tax law and other fishery rulings in effect, or to orders which may be issued in this connection in the future.

XV.-- Not to unload fishery products in localities other than those approved by the Ministry, for the purpose of more satisfactory control of operations. A written statement is to be presented to the Fishery Inspection and Vigilance Service, showing the quantity of fish taken on each fishing trip and localities in which taken.

XVI.-- To furnish the Ministry as well as any other federal authority, with information regarding contraband operations or violations of the law, regulations or tax law or other fishery rulings; to cooperate in the application of the corresponding penalties; to prevent the capture of fish in the region by unlawful methods; and to possess no explosives or toxic substances which may be improperly used to facilitate the capture of fish.

XVII.-- To have this Contract-concession, as well as any addition ormodifications which may be made hereto, published once, for their account, in the "Diario Oficial" of the nation, during the first fifteen days after it has been authorized and signed by the contracting parties.

Article 7th.-- The contracting parties agree that the guaranty posted in accordance with article 6, clause II of this contract, shall be valid for the duration of this Concession and one year, and that it will be cashed and become the property of the nation, without prejudice to outstanding debts, when the concessionaires fail to comply with any of the obligations stipulated in this document and this concession is declared invalid; and if such invalidity is declared for the first reason given in article 117 of the Regulations of the current Fishery Law, the penalty established in article 27 of the constitution will also be applied.

Article 8th.-- The concessionaires and the person or entity to whom this contract may be transferred, after authorization by the Ministry, shall be considered to be Mexican, although one or more of its members be foreigners and shall be subject exclusively to the federal courts of the city of Mexico; the organization itself and the foreigners taking part in its activities under this Concession, regardless of capacity, shall be considered Mexicans with respect to the organization and shall not under any circumstances have the privilege of claiming rights as foreigners for any reason with reference to titles or operations of the organization, but shall have only the rights and privileges granted by the laws of the Republic to Mexican citizens. Therefore, diplomatic agents shall take absolutely no part as intermediaries in matters concerning the concessionaires with reference to this contract.

Article 9th.-- This contract may be conceled prior to the termination of the period specified in article 4th above, for any of the reasons mentioned in article 20 of the Regulations of the current Fishery Law.

Article 10.-- This Contract-concession may be declared administratively invalid by the Ministry at any time, for any of the reasons mentioned in article 117 of the Fishery Regulations, or if one or more shares of stock or any type of ownership are found to belong to foreign individuals or organizations which have not made the renunciations or resignations provided for in article 27 of the constitution, or when any negotiation is carried on with a foreign nation for the purpose of obtaining diplomatic protection for the interested party as a foreign concessionaire or investor, or lastly, for failure to comply with any of the terms of this contract.

Article 11.-- The Ministry, before declaring this contract invalid, will present a statement of liability to termination, granting the concessionaires a period of 60 days, not extendable, in which to present petitions, allegations and other proofs to the Ministry, in accordance with the provisions of articles 115 to 117 of the current Fishery Regulations; therefore, agreements relative to liability, as well as the termination itself, shall be published in due course in the "Diario Oficial" of the Nation, for the information of the concessionaires and so that such action may be in accordance with the provisions of the law.

Article 12.— This Contract-concession is subject to the corresponding Stamp tax, which shall be for the account of the concessionaires, in Internal Income and Additional Tax stamps, in accordance with clauses I and II of part 20 of the current Stamp law, with reference to article 110 of same; furthermore, both for the authorizations contained herein and for their renewal, for the entire period specified for its duration, the concessionaires will pay annually and in advance, the taxes and assessments mentioned herein.

Article 13.— The period of duration of this Contract-concession will begin on the date of approval by the Treasury of the Nation, of the guaranty provided for in clause II of article 6th herein, if the stipulations of the clause relative to publication of this contract in the "Diario Oficial" of the Nation have been complied with, and payment made of the first year's taxes.

Mexico, D.F., February 9, 1946.--The Minister of Marine, --Signature.—The Chief of the Legal Department, --Signature.--The Director General of Fisheries and Allied Industries, --Signature.--The concessionaires; --Signature.— Signature.

APPENDIX XIII

DECREE WHICH CONCEDES EXEMPTION OF TAXES TO COOPERATIVE SOCIETIES

Signed December 27, 1938. Published December 30, 1938.

Article 1. Cooperative societies legally constituted, shall be exempt from payment of the following taxes for a period of five years:

1. On production and introduction of electric energy.

2. Stamp tax.

3. On mining claims.

4. On metal production and metallic compounds.

5. On the use and utilization of federal waters.

6. On fishing and diving.

7. On hunting.

8. Income tax.

Exemption from income tax will be permanent.

Exemptions from taxes to which this Article refers do not include those from which participation is granted States, Territories, Federal District, and Municipalities, in accordance with the laws under which federal taxes are collected.

Article 2. The exemption shall begin on the date on which the Ministry of Finance and Public Credit makes the declaration referred to in Article 6.

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Article 5. The cooperative societies wishing to enjoy the exemption from taxes to which Article 1 refers, shall present to the Ministry of Finance and Public Credit the corresponding application, attaching a certified copy of their charter and a statement from the National Cooperative Registry that they are registered therein.

In the case of forestry cooperatives, they shall further attach to their applications a statement issued by the Department of Forestry and of Hunting and Fishing that they exploit communal or ejidal woods for the purposes of the foregoing Article.

Local societies of ejidal credit engaged in the exploitation of communal or ejidal woods shall follow the same procedure if they exploit such woods and wish to enjoy the reduction established in the foregoing Article.

Article 6. When the requirements established in the foregoing Article have been satisfied, the Ministry of Finance shall declare that the society in question may enjoy the exemptions established by this Decree.

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APPENDIX XIV

DECREE RESERVING THE FISHING OF LOBSTER AND CRAWFISH IN TERRITORIAL WATERS OF THE REPUBLIC TO COASTAL FISHERMEN ORGANIZED IN COOPERATIVE SOCIETIES

Signed September 9, 1936. Published September 14, 1936.

Article 1. All the territorial waters of the Republic are reserved for the exclusive use of coastal fishermen for the taking of lobster and crawfish.

Article 2. In order that coastal fishermen not organized in cooperatives at the time this Decree becomes effective, may engage in the taking of lobster and crawfish, it is necessary that they organize themselves into cooperative societies in accordance with the law. Fishermen already organized in Baja California and other parts of the country, come within the purview of this decree.

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APPENDIX XV

DECREE RESERVING THE EXPLOITATION OF OYSTERS TO FISHERY COOPERATIVE SOCIETIES

Signed January 13, 1937. Published January 22, 1937.

D E C R E E :

Article 1. The exploitation of the natural oyster beds in all the maritime and fluvial waters of the Republic is reserved for the Cooperative Societies formed by regional fishermen, or which may be formed in the future.

Article 2. The exploitation of the natural oyster beds in all the territorial waters of the Republic may be granted only to the legally organized Cooperative Societies, taking into consideration the potentiality of such beds.

Article 3. Oyster exploitation effected by the Cooperative Societies shall be entirely in accordance with the Fishery Law, Regulations and Tariff Act, and with the regulations which in the future may be issued in this matter.

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APPENDIX XVI

DECREE RESERVING THE EXPLOITATION OF OCTOPUS AND SQUID TO THE FISHERMEN LEGALLY ORGANIZED IN COOPERATIVE SOCIETIES

Signed September 8, 1937. Published September 18, 1937.

D E C R E E :

Article 1. The exploitation of octopus and squid in all the maritime waters of the Republic is reserved for the regional fishermen legally organized in cooperative societies or who may organize in the future.

Article 2. The exploitation of octopus and squid in all the waters of the Republic may be permitted only to the Cooperative Societies, organized according to law, taking into consideration the productive potentiality of the places to be exploited.

Article 3. The exploitation of octopus and squid carried out by the Cooperative Societies, shall be entirely in accordance with the Fishery Law, Regulations and Tariff Act, and with the regulations which in the future may be issued in this matter.

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APPENDIX XVII

DECREE REGARDING THE FISHING AND EXPLOITATION OF SHRIMP IN THE STATES OF SONORA AND SINALOA

Signed June 11, 1940. Published August 16, 1940.

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Article 2. The exploitation of shrimp in all national waters of the Republic is reserved for cooperative societies of regional fishermen, already organized or to be organized in the future.

Article 3. The exploitation of shrimp in the territorial waters of the Nation may be granted only to legally organized cooperative societies.

Article 4. The exploitation of shrimp as effected by the cooperative societies shall be in accordance with the Fishing Law, Regulation and Tariff now in effect, and with all the resolutions on this matter which may be taken at a future date.

Article 5. The Department of the National Navy shall have the authority at all times to modify, cancel or introduce any measure affecting the authorizations granted for the exploitation of shrimp and therefore shall be the only authority with the power to define, limit and increase the zones of exploitation of each concessionnaire.

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APPENDIX XVIII

DECREE WHICH RESERVES FOR THE EXCLUSIVE USE
OF THE INHABITANTS OF THE COASTAL TOWNS
THE FISHING OF SHRIMP BY STATIONARY GEAR
IN NATIONAL WATERS OF NAYARIT AND SINALOA

Signed November 7, 1939. Published November 28, 1939.

D E C R E E :

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Article 2. There is reserved for the exclusive use of all the fishermen inhabiting the coastal towns, the fishing of shrimp accomplished by means of stationary gear in national waters of the States of Nayarit and Sinaloa.

Article 3. The exploitation of shrimp, by use of such methods of fishing, can be done in national waters of said states, only by coastal fishermen organized in cooperatives duly recognized by the law, or which may be organized in the future.

Article 4. The determination of zones for each cooperative legally created or to be created, will be made by the Department of Forestry and of Hunting and Fishing, taking into consideration the productive potentiality of the fisheries under exploitation and the intensity of fishing. These zones may be changed by said Department if social necessity and public interest demand.

Article 5. The exploitation of shrimp by the cooperative societies, shall be carried out in accordance with the Fishing Law, Regulations and Tariff Act, respecting the closed seasons and other regulations in effect or to be promulgated.

Article 6. The Department of Forestry and of Hunting and Fishing shall be responsible for the enforcement of this decree, with the cooperation of the proper local authorities.

Article 7. All permits and contracts previously authorized shall continue in force until their expiration, and no new authorizations shall be granted to organizations which do not fulfill the requisites fixed in this decree, regardless of the zone in which shrimp are to be captured.

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APPENDIX XIX

DECREE RESERVING THE EXPLOITATION OF THE VARIOUS SPECIES
OF CLAMS FOR THE REGIONAL FISHERMEN ORGANIZED IN COOPERATIVE SOCIETIES.

Signed October 25, 1940. Published November 15, 1940.

Article 1. The exploitation of the various species of clams in all the marine waters of the Republic is reserved for the regional fishermen legally organized into cooperative societies or who may organize into such societies in the future.

Article 2. The exploitation of clams by the cooperative societies shall conform in all details to the Fishing Law and Regulations in effect, as well as the tariff that may be established and all the dispositions that may in the future be issued taking into account the potential production of the localities which it is intended to exploit.

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APPENDIX XX

DECREE ESTABLISHING ZONES OF COMMON EXPLOITATION IN LOWER CALIFORNIA, WITH RESPECT TO THE CAPTURE OF TOTOABA, CURBINA AND CABRILLA

Signed January 23, 1930. Published February 13, 1930.

D E C R E E :

Article 1. The fishing zone in the Gulf of California north of parallel 27 is declared a zone of common exploitation for the exclusive use of the regional fishermen.

Article 2. Fishing of totoaba, curbina and cabrilla is reserved for exploitations authorized in the zone established in the preceding article.

Article 3. Exploitation in the zone established by article 1 is subject to the following:

I. (x) It may be permitted only to the cooperative societies organized by regional fishermen; with the understanding that such cooperatives shall admit as members only those persons meeting the requirements established by the General Law of Cooperative Societies.

(x) As amended on October 13, 1933, published in Diario Oficial of November 1, 1933.

II. The constitution and by-laws of the Fishery Cooperative Society must meet the approval of the Ministry of Agriculture and Development, or the offices which it authorized.

III. The other requirements established in the Fishery Law, Regulations and Tariff Act which shall rule in all instances not mentioned in this Decree, must be fulfilled.

TRANSITORY ARTICLES:

Article 1. (x) The fishery concessionnaires who have packing plants installed within the waters of the Gulf of California, are excluded from the obligation of affiliating themselves with the cooperative societies of the region, as long as the species they capture are not those designated in article 2 of this Decree, and are not destined for export in a fresh state, but for processing in those plants.

(x) As amended on October 13, 1933, published in Diario Oficial of November 1, 1933.

Article 2. All other species of fish or marine products of the Gulf of California, which can be utilized for industrial or commercial purposes, are excepted from these provisions.

APPENDIX XXI

RESOLUTION ON REGULATIONS FOR THE FISHING OF VARIOUS SPECIES OF ABALONE, IN WATERS OF THE WEST COAST OF LOWER CALIFORNIA.

Signed March 10, 1947. Published March 14, 1947.

O R D E R :

I. The capture of the different species of abalone produced in the waters of the western shore of Lower California is reserved to the coastal fishermen of the west coast and the offshore islands, organized into cooperatives in accordance with the law.

II. The exploitation of the different species of abalone produced in the above-mentioned waters, will be permitted, with the limitations and restrictions necessary to the conditions of production of this group of molluscs, only to the fishermen's cooperatives which in previous years have engaged in this fishery. If the potentiality of the abalone beds allows, their exploitation may also be permitted to other cooperatives, under the terms fixed in each case by the Ministry of Marine, in accordance with the varying conditions and circumstances which must be taken into consideration upon request for permits by cooperatives wishing to engage in this type of fishery for the first time.

III. The permits granted to various fishing cooperatives for the capture of the different species of abalone in waters of the west coast of Lower California and its islands, will be subject, with reference to the destination and use of the products obtained, to the following restrictions:

1. That the products be offered first to supplying the processing plants which pack and can abalone in the form of preserved food, authorized for such use by the Ministry of Marine and located in the following places in the western zone of Lower California: El Sauzal, Ensenada, Isla de Cedros, Bahia de Tortugas or Puerto de San Bartolome, Isla Margarita and Cabo San Lucas.

2. That the products be offered also, in the percentage of production annually fixed by the Ministry of Marine, to certain semi-processing, the fishery production cooperatives themselves filleting them fresh, to be sold only and exclusively for the purpose of supplying food to the inhabitants of the Republic.

IV. The Directorate General of Fisheries, with the technical personnel which has been placed at its disposal, will proceed immediately with such scientific studies and investigations as may be feasible, for the purpose of determining as soon as possible, the most important places which produce the different species of abalone; the potentiality of production and the capacity of exploitation in each place; correct delimitation of zones and their respective sections, in order to specify in each zone, which sections may be exploited and to what point of intensity the exploitation may be carried out; which sections should be exploited alternate years and which should be closed temporarily or indefinitely, and lastly, those which should be kept only as places reserved for the protection and natural propagating of these molluscs for the purpose of repopulating beds already depleted.

V. Until we know the results of the studies and investigations which are referred to in the previous paragraph or article, the capture of the different species of abalone shall not be carried on indiscriminately everywhere by the fishing cooperatives with permits for this type of exploitation, but rather, these cooperatives, in accordance with their legal residences as stated in their charters, shall limit the radius of their fishing activities with respect to the capture of abalone, to the beds existing within the zone corresponding to their legal residence; for which purpose the west coast of Lower California, including the exploitable beds on the shores of the mainland and those of the adjacent islands, are hereby divided into three zones with the following limits from north to south:

FIRST ZONE. From parallel 32°32' north latitude, to parallel 28°30' north latitude.

SECOND ZONE. From parallel 28°28' north latitude, to parallel 27°1' north latitude.

THIRD ZONE. From parallel 26°59' north latitude, to parallel 22°52' north latitude.

VI. The fishery concessionnaires authorized by the Ministry of Marine to utilize the production of abalone caught by the fisheries production cooperatives in their packing plants established ashore, may also make use of floating plants as auxiliaries to these, as long as the floating plants are of Mexican registry; they carry on board official inspection and patrol personnel to observe the manner and methods of the fishing activities; the cost of such service be paid by the authorized concessionnaire; the raw material comes from the production obtained by cooperatives having their legal residence within the zone in which the floating plant may be operating; and such raw material be obtained by fishing carried on outside of a radius of 120 nautical miles from the place in which land packing plants may be established.

VII. Since the limits of permissible exploitation in each of the zones cannot be determined precisely, upon the basis of information to be obtained from studies and investigations not yet made, the dispositions contained in this Order, which require previous knowledge of such facts, are of a provisional nature and may be modified as such studies and investigations are carried out. Therefore the limits of each zone, in connection with permissible exploitations, since the necessary data to be obtained from such studies and investigations is not yet available, shall be fixed by the Directorate General of Fisheries and Allied Industries of the Ministry of Marine, determining the averages that may be caught, by taking the statistics on exploitation of abalone in the last five years.

VIII. From the date on which the Ministry of Marine announces, with due notice, the exploitation of the different species of abalone authorized in the corresponding permits, this fishery may be carried out only under the supervision and observation of the inspector or inspectors who for such purpose are designated by the Directorate of Fisheries and Allied Industries as supervisors in the activities of the fishery, the salaries, food and lodging of the inspectors and other incidental expenses to be chargeable to the permissionnaires who carry out these exploitations, they being obliged to furnish the personnel in question with the facilities and conveniences necessary to the best possible discharge of their commission and to comply with the dispositions contained in this order, the Fishery Law and its Regulations, and any which, under its authority and power, are prescribed for the above-mentioned official personnel in their instructions and letters of commission.

IX. There is established a relative and partial, local and definite closed season for the capture of the different species of abalone in the waters of the west coast of Lower California which are not precisely destined to the ends to which article III of this Order refers.

X. For the conservation of the national public resource composed of the different species of abalone produced in our maritime waters, the dispositions of articles 90 and 94 of the Regulations of the Fishery Law, as well as those of this Order, must be strictly observed.

XI. A partial and temporary closed season is declared for the capture of the different species of abalone in waters of the western coast of Lower California, which includes from January 15 until March 15 of each year. Therefore, the season for the taking of this mollusc, within the limits of the other dispositions of this order, shall be from March 16 of each year until January 14th of the following year.

APPENDIX XXII

DECREE CONCERNING THE ESTABLISHMENT OF FISHING ZONES FOR COOPERATIVES ALONG THE COASTS OF COLIMA AND JALISCO

Signed November 7, 1939. Published November 28, 1939.

D E C R E E :

Article 1. There is hereby abolished in its entirety the decree of August 26, 1936, fixing as a zone of common exploitation for the use of the coastal fishermen of "El Pacifico" Fishermen's Cooperative Society, the national waters of the Pacific Ocean between the reference point marked by Tepalcate hill, at kilometer 605 on the National Railways of Mexico in the State of Colima, and the line designating the boundary between that State and the State of Jalisco, excluding from such zone the bays of Manzanillo and Santiago, as well as the Ensenada de Higueras.

Article 2. Fishery zones for each cooperative legally created or to be created in this region, shall be established by the Department of Forestry and of Hunting and Fishing, taking into consideration the productive potentiality of the fisheries under exploitation and the intensity of fishing.

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APPENDIX XXIII

ORDER WARNING THAT FISHING PERMITS WILL BE GRANTED ONLY TO LEGALLY AUTHORIZED COOPERATIVE SOCIETIES

Signed August 19, 1941. Published October 30, 1941

O R D E R :

The Ministry of Marine shall not authorize fishing permits to the cooperative societies lacking the authorization issued by the Ministry of National Economy.

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APPENDIX XXIV

DECREE ESTABLISHING A TAX UPON EXPLOITATION OF VARIOUS SPECIES OF FISH IN WESTERN WATERS OF MEXICO

Signed October 20, 1942. Published November 24, 1942.

D E C R E E :

Article 1. There is hereby established a tax of one peso per kilogram on the exploitation in western waters of the Republic, of the following fishery products: abalone, clams, cabrilla, squid, shrimp, curbina, lobster, crawfish, oyster, octopus and totoaba.

Article 2. All individuals and legal entities engaged in the exploitation, in any form, of the products mentioned in the foregoing article, within the zone indicated, are subject to this tax.

Article 3. The tax will be imposed at the time of original sale of all or part of the aforementioned products.

Original sale will be considered effected upon withdrawal of the products from the beaches, fishing camps, warehouses, cellars or depositories, even though the products be transported under the fishery certificates of origin referred to in the decree of December 16, 1940, published in the DIARIO OFICIAL of the Federation, No. 46, on the 31st of that month, since such certificate, in accordance with article 1 of the aforesaid decree, may be granted only upon receipt of proof of payment of the corresponding exploitation taxes, including the tax in question.

Article 4. The tax shall be paid by special surcharge stamps bearing the words "Fishery Products", affixed to the invoice covering withdrawal of the products from the beaches, fishing camps, warehouses, cellars or depositories.

Article 5. The invoices referred to in the foregoing article shall be issued from stub books duly authorized and stamped by the proper Federal Treasury Offices, and the stamps shall be cancelled by affixing the detached section to the invoice and the stub to the stub book from which detached.

Article 6. Those subject to the tax will secure the special surcharge stamps for "Fishery Products" upon payment of their value in cash, with the exception of those persons included in the provisions of Article 13.

Article 7. This tax shall be imposed without prejudice to those indicated in Sections 52 to 62 and 65 to 69 of the Fishery Tariff Act of January 20, 1933.

Article 8. Original sales of the products referred to in article 1 will not require the payment of the stamp tax nor the 10% additional, but resale shall require such taxes in accordance with the terms of the law referring thereto.

Article 9. The Office of Special Taxes of the Ministry of Treasury and Public Credit shall administer the tax.

Article 10. The expenses of printing the necessary stamps shall be borne by the Federal Treasury.

Article 11. The persons, groups or corporations purchasing the products mentioned in article 1 of this decree, in any state of preservation, either for industrial purposes, for sale in domestic markets or for export, as well as those who transport such, must demand the presentation of the corresponding invoice, to which shall be affixed the stamps with which

this tax is paid. In case of failure to do so, they will be responsible, together with the person subject to the tax, for the unpaid tax and will be subject in addition, to the payment of a fine of from 100.00 to 10,000.00 pesos on each operation carried out.

Article 12. The maritime and border customs houses of the Republic, in order to permit the exportation of the fishery products indicated in article 1 of this decree, must demand that the invoice accompany the application for exportation and that such invoice contain the "Fishery Products" stamps duly affixed and cancelled.

Any customs employee who permits exportation of these products without compliance with the aforementioned requirements will be fined 1,000.00 pesos for each exportation effected, without prejudice to the other penalties corresponding to the case.

Article 13. A subsidy equal to the total of the tax collected in accordance with the terms of the preceding articles shall be granted to the cooperatives of regional fishermen legally engaged in the exploitation of the products to which the first article of this decree refers, and forming part of the legally authorized Regional Federations of Cooperatives registered by the Ministry of National Economy.

Article 14. The subsidy to which the foregoing article refers shall be paid by the Ministry of Treasury and Public Credit, and charged to the corresponding items in the General Expense Budget.

Article 15. The cooperatives wishing to take advantage of the benefits granted them by this decree must present to the corresponding Federal Treasury Office, through the Regional Federation of Cooperatives to which they legally belong, an application stating their desire to enjoy the subsidy in accordance with the provisions of this decree, and attaching to such application:

a) A copy of the authorization to operate, issued in their favor by the Ministry of National Economy, duly registered in the National Cooperative Registry, leaving a copy of such authorization in that Office.

b) A copy of the minutes of the general meeting of the Federation of Cooperatives at which the cooperative was admitted as a member.

c) A copy of the minutes of the general meeting of the Federation, at which the Board of Directors of the Federation in office at the time was appointed. The same procedure shall be followed each time the board is renewed or any of its members removed.

d) A communication signed by the Board of Directors of the Federation stating the name of the person or persons authorized by the Federation to sign requisitions for stamps, to authorize vouchers for the subsidy payable to the member production cooperative, and to invoice the products obtained by the cooperative; giving the signatures of all these persons, unless they register them personally in the proper Federal Treasury Office.

Article 16. When the requirements indicated in the preceding article have been fulfilled, the proper Federal Treasury Office shall deliver to the Federation of Cooperatives to which the organization belongs, the stamps necessary for its operation, or shall return the sums which the member cooperatives have paid to cover the exploitation tax, in return for a receipt covering the amount of the subsidy returned to them.

Article 17. For purposes of article 3 of this decree, those products delivered by the fishery cooperatives to the Regional Federations of Cooperative Societies to which they legally belong, to be sold in common by such Federations, shall not be considered as acquired by third parties.

Article 18. When the products referred to in article 1 are captured under fishing permits issued to cooperative societies of regional fishermen, they must be shipped from the places mentioned, covered either by fishery certificates of origin issued by the proper authority, who

shall furnish them free of charge if the production cooperative has been granted the subsidy mentioned in article 13 of this decree, or by shipping advices from the production cooperative to the Federation to which it belongs, in which case the stamps shall be affixed to the invoice prepared by the Federation of Cooperatives upon sale of the products.

Article 19. It shall be sufficient cause for the cooperative societies referred to in this decree to cease to enjoy the subsidy mentioned above, if for any reason they cease to be members of the Federation of Cooperatives to which they legally should belong, or if, without justifiable cause, in the opinion of the Ministry of National Economy, they fail to sell their products through such Federations.

TRANSITORY ARTICLES

Article 1. This decree shall be effective as of the date of its publication in the DIARIO OFICIAL of the Federation.

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APPENDIX XXV

DECREE COVERING CLASSIFICATION AND REGULATION OF FIXED PROPERTY OF FEDERAL OWNERSHIP

Signed December 18, 1902. Published in Dublan y Lozano, Volume 34, for 1902, Mexico, D.F., 1907.

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CHAPTER II.

Concerning property of public domain or of common use

Article 3. Properties of federal public domain are those parts of the territory of the republic, subject to the jurisdiction of the powers of the Union and which, destined by nature or by law, to common public use, are not subject to becoming private property.

Article 4. Properties of public domain or common use belonging to the Federation, are the following:

I. The territorial sea for a distance of three marine miles, measured from the line of lowest low water on the mainland or on the islands forming part of national territory.

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Article 5. The use of the territorial sea for navigation, embarkation and disembarkation of passengers or merchandise, fishing, pearling or any other purpose, is subject to the legal provisions and administrative regulations of the federal government, regardless of the nationality of the persons, companies or corporations who propose to make use of such sea.

The patrol and jurisdiction of the federal authorities may extend into the sea, for fiscal purposes, to a distance of twenty kilometers measured from the line of lowest low water along the coasts of the republic.

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Rescinded by Decree of December 31, 1941
(Appendix XXVI, transitory article 6, page 84).

APPENDIX XXVI

EXCERPTS FROM THE GENERAL LAW OF NATIONAL PROPERTIES

Signed December 31, 1941. Published August 26, 1944.

FIRST CHAPTER

General

Article 1. The national patrimony is comprised of:

I. Properties of the public domain; and
II. Properties of the private domain of the Federation.

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SECOND CHAPTER

Concerning the public domain

Article 8. Properties of the national public domain are inalienable or imprescriptible and are not subject, as long as their juridical situation does not change, to actions for recovery or for definitive or provisional possession. Individuals and public entities shall be able to acquire for the use or utilization of these properties only the rights conferred in this law and in such special laws as may be issued by the Congress of the Union.

However, accidental or accessory profits, compatible with the nature of these properties, such as the sale of crops, materials or waste, or such as the authorization of uses alluded to in Article 29, shall be governed by common law.

No passive right of way can be imposed, in the terms of common law, over the properties of the public domain. The rights of transit, of inspection, of lighting, of drainage and other similar things on such properties, shall be exclusively governed by administrative law and regulations.

Article 9. It corresponds to the Federal Executive:

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IV. To issue the rules to which the governing, vigilance and utilization of the properties of the public domain shall be subject, and to take administrative measures designed to obtain, maintain or recover possession of these properties, as well as to remove any naturally or artificially created obstacle to a use or purpose;

V. To annul administratively the resolutions, concessions, permissions, or authorizations that may have been dictated in violation of a legal precept or through error, fraud or violence, and that injure or restrain the rights of the nation over properties of the public domain or the legitimate interests of a third party; and

VI. In general to issue the executive orders necessary to the fulfillment of this law or of the special laws to which properties of the public domain are subject.

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Article 12. Concessions to properties of the public domain do not create real rights.

They simply grant, before the administration and without prejudice to third parties, the right to carry out the exploitations or to realize the profits which the respective laws regulate, on the condition that the holder fulfill the obligations imposed on him.

Article 13. The nullity, lapse or rescission of concessions to properties of the public domain, when carried out in accordance with the law, shall be declared by the administrative authority, without prejudice to the provisions of Article 10, provided a prior hearing is granted to the interested parties so that they may submit proofs and make the allegations pertaining to their rights.

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Article 17. Properties of common use are:

I. The national aerial space;

II. The territorial sea. This includes:

1. Coastal waters to the distance of nine nautical miles (16,668 meters) measured from the line of lowest low tide, on the mainland, on the coasts of the islands forming part of the national territory, on the tidal creeks that communicate with the sea permanently or intermittently, and on the rivers emptying into the sea; and

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Article 18. All of the inhabitants of the Republic may use properties of common use, abiding by the restrictions established by law and by administrative regulations; but for special usages a concession is necessary, granted with the requisites fixed by the laws.

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TRANSITORY ARTICLES

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SIXTH ARTICLE: The law of the 18th of December, 1902, as well as all provisions contrary to those of this law, are hereby rescinded.

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APPENDIX XXVII

PRESIDENTIAL DECLARATION CLAIMING CONTINENTAL SHELF

Declaration made October 29, 1945, published in local newspapers on October 30, 1945.

The experience of recent years has evidenced the growing necessity of countries to preserve those natural resources which in the past, for various reasons, have been outside of their control and integral utilization.

As is known, the lands constituting the continental masses in general do not rise perpendicularly from the great ocean depths but rest on a submarine shelf known as the continental shelf, limited by the isobath, i.e., the line uniting points of equal depth (200 meters), from the edges of which the slope descends sharply or gradually to the ocean floor. This shelf, per se, constitutes an integral part of the continental countries and it is neither reasonable, prudent, nor possible that Mexico ignore jurisdiction and utilization and control over it in the part pertaining to its territory in the two oceans.

It is now known as a result of various scientific investigations that natural resources, minerals, liquids and gases, phosphate, calcium, hydro-carbons, etc., of incalculable value exist in that continental shelf and their legal incorporation into the national patrimony is vital and cannot be deferred.

On the other hand, it is of equal urgency that the Mexican State, which nature has endowed with fishery resources of extraordinary richness, such as those found, not to mention others, in the maritime zones along Lower California, should be protected, utilized and developed adequately, and this urgency increases at the present time, when the world, impoverished and in need because of the war imposed by totalitarianism, must develop its food production to the maximum.

In the years before the war the Western Hemisphere had to watch the permanent fishing fleets of countries outside of the continent engage in immoderate and exhaustive exploitation of this great wealth, which although certainly it should be helpful to the well-being of the world, it is evident that it belongs primarily to the country possessing it and to the continent to which it pertains. By reason of its inherent nature it is indispensable that its protection be under the control and vigilance of the State as far as those places or zones indicated by science for the development of the resources of the high seas and independently of the distance that separates them from the coast.

Based upon these reasons, the Government of the Republic claims all of the platform or continental shelf adjacent to its coasts and each and every one of the known and unknown natural resources that may be found there, and (the Government of Mexico) is proceeding towards the vigilance, utilization and control of the necessary fishery protection zones for the conservation of that source of well-being.

The foregoing does not signify that the Mexican Government pretends not to recognize the legitimate rights of third parties on a basis of reciprocity, or that the rights of free navigation on the high seas may be affected, inasmuch as the only course that it is pursuing is to conserve these resources for national, continental and world well-being.

The government is issuing orders to the proper authorities, in order that they may proceed to formulate the corresponding legal processes and to celebrate the treaties that may be necessary.

Mexico, D.F., October 29, 1945.

The President of the Republic,
MANUEL AVILA CAMACHO.

APPENDIX XXVIII

MINUTES OF THE MEETING (OF THE CHAMBER OF DEPUTIES)
OF JANUARY 16, 1946. EXTRAORDINARY SESSION.

Published in Diario Oficial March 23, 1946, Section 2, pp. 3 and 4.

Presidency of Mr. Benito Coquet.

In the city of Mexico, at 2:10 p.m. on Wednesday, January 16, 1946, the meeting was called to order with seventy-six deputies present, as per previous verification according to the list passed around by the Secretary.

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Opinion of the First Commission on Constitutional Details studying the following bill revising and extending article 27 of the Federal Constitution and revising articles 42 and 48 of that fundamental law.

"ONLY ARTICLE. Paragraphs five and six of article 27 are revised and extended, and articles 42 and 48 of the Political Constitution of the United Mexican States are revised to read as follows:

'Article 27. .....The Nation has dominium directum over the continental shelf and the submarine platforms.....

'In the Nation is likewise vested the ownership of the waters of the seas covering the continental shelf and the submarine platforms and, in addition, the territorial waters in the extent and terms fixed by International Law; those of the lagoons and estuaries of the beaches; those of the inland lakes of natural formation directly connected with streams having a constant flow; those of the principal rivers or tributary brooks from the point at which the first permanent water appears, to their mouths, whether they run to the sea, or cross two or more states; those of intermittent streams the principal branch of which crosses two or more states; the waters of rivers, brooks or ravines which serve as boundaries of national territory, or of the states; the waters extracted from mines; and the river beds or banks of the lakes and streams mentioned above, to the extent fixed by law. Any other stream of water, not included in those mentioned above, shall be considered an integral part of the private property which it crosses; but the utilization of waters, when they pass from one piece of property to another, shall be considered as of public welfare and shall be subject to the rulings issued by the states.

'In the instances mentioned in the three previous paragraphs, the ownership of the Nation is inalienable and imprescriptible and concessions shall only be granted by the Federal Government to individuals or civil or commercial corporations organized in accordance with Mexican laws, on condition that regular works are established for the exploitation of the elements in question and the requirements of the laws are complied with. With reference to petroleum and solid, liquid or gaseous hydro-carbons, concessions shall not be granted, and the Regulatory Law covering this shall specify the form in which the Nation shall carry out the exploitation of these products.....'

'Article 42. The national territory is comprised of:

I. That of the integral parts of the Federation;

II. That of the continental shelf, in such part as it is a continuation of national territory covered by marine waters up to 200 meters depth over the level of lowest low water;

III. That of the adjacent islands in both seas, with their submarine platforms, and

IV. That of the islands of Guadalupe and Revillagigedo, with their submarine platforms, located in the Pacific Ocean.'

'Article 48. The islands of both seas belonging to national territory, the continental shelf, and the submarine platforms shall be under the direct jurisdiction of the Government of the Federation, with the exception of those islands over which the states have exercised jurisdiction up to the present time.'"

The only article of this bill was presented for discussion, and since no deputy wished to discuss it, a vote was taken, the bill being passed unanimously by seventy-seven votes. It was passed on to the State Legislatures for the corresponding constitutional proceedings.

The meeting was adjourned at 4:25 p.m.

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APPENDIX XXIX

REGULATION FOR THE OCCUPATION AND CONSTRUCTION OF WORKS IN THE TERRITORIAL SEA, NAVIGABLE WAYS, BEACHES AND FEDERAL ZONES

Signed January 30, 1940. Published October 30, 1940.
As amended to January 25, 1947.

TITLE I

CHAPTER I

Jurisdiction

Article 1. In accordance with the provisions of article 15 of the Law of Ministries and Departments of State, of December 30, 1939, the Department of the National Navy (now Ministry of Marine) is empowered:

I. To authorize the occupation and construction of works in the territorial sea, in the general ways of river or lake communication, in river beds and basins under federal jurisdiction if they are navigable, and on the beaches and in federal zones;

II. To fix inspection rates for works completed and for the rental of the zones occupied.

Article 2. The zones referred to in the previous article in accordance with the Laws of Fixed Property of the Federation and of Nationally Owned Waters, are as follows:

I. The territorial sea to a distance of 9 nautical miles from the line of lowest low water on the mainland or on the islands forming part of national territory;

II. The beach, i.e., that part of the land which, due to tides, is covered and uncovered by water to the line of maximum annual high tide;

III. The maritime terrestial zone consisting of a strip of land 20 meters wide not covered by the tide, contiguous to the ocean beaches or to the banks of the rivers from their mouths in the sea to the upstream points of maximum annual high tide;

IV. The beds of the streams, rivers and estuaries in all their extent, if they are navigable, being understood as such any channel with capacity sufficient to carry the regular maximum annual run-off; but in the streams or the parts thereof subject to overflow, until such time as levee works or channeling are carried out, the river bed shall be defined as the natural channel cut by the waters or formed by a system of barrier works;

V. The federal zone consisting of a strip of 10 meters contiguous to the stream beds or basins of small bodies of water of national domain. Such zone shall be reduced to 5 meters in the beds whose width is 5 meters or less;

VI. The beds of lakes, lagoons or estuaries, i.e., basins with sufficient capacity to carry the regular maximum annual rise;

VII. The banks and margins of the rivers, estuaries, lakes and lagoons mentioned in the previous sections;

VIII. The ports, bays, roadsteads and inlets.

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APPENDIX XXX

REGULATION FOR COASTAL NAVIGATION

Signed August 7, 1941. Published September 4, 1941.
As amended to January 25, 1947.

General

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Article 2. For the purposes of this Regulation, coastal traffic is understood to be that which is effected between two national ports of the same coast.

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Fishing navigation

Article 63. The provisions of this Regulation are applicable to national boats in the fishing traffic, whenever their products are destined for the commerce of the Republic; their captains, owners and consignees must understand, nevertheless, that they must comply strictly with the provisions relative to the field of fishery.

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APPENDIX XXXI

LAW OF COASTAL, INLAND AND RIVER SERVICE OF THE REPUBLIC

Signed January 4, 1929. Published February 2, 1929.
As amended to January 25, 1947.

Article 1. Maritime traffic comprises that of the high seas and that of coastal service, and for the purpose of classification there must be taken into account the navigation of the boats between the national port in which they may be, and that of the next stop, whether this be of origin or destination, depending upon whether the arrival or the departure of the boat is under consideration. The port immediately preceding is not considered as of origin when the entry was made under protest, except when foreign.

Article 2. For the purposes of this Law, traffic effected between two national ports of the same coast is considered coastal.

Article 3. For the purposes of this Law, interior traffic is understood to be that which the vessels effect in the interior of the ports or in the rivers, lakes and lagoons of the Republic, depending upon the service for which they are registered.

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APPENDIX XXXII

DECREE RATIFYING THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES WITH RESPECT TO MARITIME BOARDING, RESCUE AND SALVAGE AND THE PROTOCOL OF BOTH, SIGNED IN BRUSSELS BETWEEN MEXICO AND OTHER NATIONS ON SEPTEMBER 23, 1910.

Signed February 16, 1929. Published March 2, 1929.

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APPENDIX XXXIII

GENERAL REGULATION OF THE PORT POLICE

Signed August 27, 1941. Published October 9, 1941.
As amended to January 25, 1947.

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CHAPTER IV

Of navigation in waters
within the jurisdiction of the ports

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Article 38. All boats are prohibited from fishing between boats anchored in the port or establishing commerce with them without permission of the Chief of the Port Police.

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CHAPTER IX

Clearance of the boats

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Article 115. With reference to national boats engaged exclusively in fishing, they shall be subject, with respect to their clearances, to the provisions of the Regulation of Coastal Traffic.

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APPENDIX XXXIV

REVENUE LAW OF THE FEDERATION FOR 1947

Signed December 30, 1946. Published December 31, 1946.

D E C R E E :

Article 1. During the fiscal period 1947 the following taxes, duties, proceeds and benefits shall be levied and collected:

I. Taxes on Imports.

A. General, according to the appropriate tariffs.

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F. 3% additional on the general tax.

II. Taxes on Exports.

A. General, according to the appropriate tariffs.

.....

D. 12% on the appraised value of products exported.

E. 2% additional on the general tax.

.....

VII. Stamp Taxes.

A. Sale contract ("Compraventa").

B. Insurance

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D. Freight and fares.

E. Receipts.

.....

IX. Federal Taxes.

A. Governments of the Federative entities.

B. Municipalities.

.....

XI. 10% additional on the tax and duty rates listed hereinafter, provided that the amount of the principal tax or duty is greater than five centavos:

A. General export tax according to appropriate tariffs.

.....

D. Stamp taxes.

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G. Fees for the furnishing of maritime, land and air services.

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XII. Taxes on the exploitation of natural resources.

.....

H. Fishing and diving.

.....

XIII. Duties for the furnishing of public services.

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C. Sea, land and air.

a. Pilotage
b. Maritime traffic
c. Port traffic
d. Registration
e. Navigation clearances
f. Tonnage
g. Free on board
.....
j. Loading and unloading
.....

D. Customs.

a. Storage and warehousing
b. Extraordinary services
c. Other services

.....

Article 2. The 10% additional amount set forth in Section XI of Article 1 shall be levied in the same manner and under the same terms as the principal taxes, and its omission shall occasion the same consequences as the omission of the principal tax.

Article 3. .....

The Federal Territories shall be granted a share of 50% of the income obtained by the Federation through taxes or duties on the development of hunting and similar occupations, and on fishing, diving and similar occupations carried on within areas under the jurisdiction of the said entities or in adjacent waters.

Article 4. Concerning import and export duties, the additional amounts set forth in Article 1, Section I, paragraph F, Section II, paragraph E, and Section XI, paragraph A, will be paid only on amounts which actually accrue to the Federal Treasury; consequently, such additional amounts shall not apply to subsidies granted by law or by presidential order.

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Article 7. The Executive is empowered to modify import and export tax rates according to the terms proposed by the Tariff Commission and in keeping with the provisions of Article 20 of the Law of Development of Transformation Industries. The Executive is likewise empowered to introduce into such rates, on the recommendation of that Commission, any modifications necessary to protect production, to elevate the people's standard of living, and to maintain the value of the national currency.

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APPENDIX XXXV

LAW OF MEXICAN FREE PORTS

Signed September 17, 1946. Published October 11, 1946.
As amended to January 25, 1947.

Article 1. The Free Ports of Salina Cruz and Matias Romero, Oaxaca, Puerto Mexico, Veracruz, and Topolobampo, Sinaloa, as well as those which in the future may be created by decree of the Federal Executive, shall have the extension and limits that he decides; these cannot be modified except by express order of the Executive and they shall be ruled exclusively by the provisions of this Law, its regulations, and the laws and regulations of sanitary and military order.

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Article 25. Fishing operations in a Free Port are subject to the following:

I. The fishing boats shall depart from and return to the Free Port without any customs intervention. They shall be dispatched "via la pesca" by the Superintendency of such Port and they shall, upon return, exhibit the signals provided by article 17 of the Regulation.

II. The inspection and patrol of fishing activities shall be under the supervision of the Directorate of Fisheries and Maritime Industries, which must exercise them outside of the jurisdictional waters of the Free Port.

III. Fishery products whose capture may have been effected within or without territorial waters, shall be introduced into the country free of customs duties, whether the product is in its natural state, dry, in brine, or packed in open boxes or tins, paying only the amounts specified in the Law.

IV. Fishery products captured in waters near the coasts or on them, and introduced into a Free Port, are considered as domestic products and therefore the corresponding export duties must be guaranteed, the bond becoming effective if such products are exported, and cancelled on those products which are introduced into the country.

V. Fishery products from the high seas, destined for export, are not subject to export duties.

VI. When for reasons of force majeure, a fishing boat must make an entry under protest at some point on the coast outside of the limits of the Free Ports, it must fulfill the formalities which the Customs Law indicates for such circumstances.

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APPENDIX XXXVI

EXCERPTS FROM TARIFF FOR EXPORT TAX

Fraction	Nomenclature	Unit for application of rate	Rate Ps. Cts.
1	ANIMAL MATTER IN NATURAL STATE OR SIMPLY PREPARED		
10	Live animals		
.....			
104	Fish, crustaceans, molluscs and cetaceans		
10-40	Clams	Gross kilo	0.03
10-41	Crabs	Gross kilo	0.03
10-42	Snails	Gross kilo	0.03
10-43	Sea elephant and seal	Head	100.00
10-44	Lobster	Gross kilo	0.10
10-45	Sea lion	Head	100.00
10-46	Oysters in the shell	Gross kilo	0.01
10-47	Fishes	Gross kilo	0.03
10-49	Crustaceans, molluscs and cetaceans, unspecified	Gross kilo	0.03
.....			
11	Fish, crustaceans and molluscs, fresh, dried, salted, smoked or simply cooked		
110	Fresh or frozen fish		
11-00	Tuna	Net kilo	0.03
11-01	Filleted fish, wrapped in sanitary paper	Legal kilo	Exempt

Fraction		Nomenclature	Unit for application of rate	Rate Ps. Cts.
11-02		Snappers and pargos	Net kilo	0.03
11-03		Robalo	Net kilo	0.03
11-04		Shark	Net kilo	0.03
11-05		Totoaba	Net kilo	0.03
11-09		Fresh or frozen fish, unspecified	Net kilo	0.03
	111	Dried, salted or smoked fish		
11-10		Cod	Gross kilo	Exempt
11-19		Dried, salted or smoked fish, unspecified	Gross kilo	Exempt
	112	Fresh, dried, salted or simply cooked crustaceans		
11-20		Fresh raw shrimp	100 gross kgs.	0.30
11-21		Fresh cooked shrimp	100 gross kgs.	0.75
11-22		Dried shrimp, w/shell	100 gross kgs.	0.75
11-23		Dried shrimp, peeled	100 gross kgs.	0.50
11-24		Crabs	Gross kilo	0.03
11-25		Fresh or cooked lobster	Gross kilo	0.05
11-29		Fresh, salted or simply cooked crustaceans, unspecified	Gross kilo	0.03
	113	Fresh, dried, salted or simply cooked molluscs		
11-30		Fresh abalone	Gross kilo	0.03
11-31		Dried, salted or simply cooked abalone	Gross kilo	0.03
11-32		Octopus	Gross kilo	0.03
11-39		Fresh, dried, salted or simply cooked molluscs unspecified	Gross kilo	0.03
.....				
	14	Edible animal products in their natural state		
	140	Miscellaneous		
14-00		Fresh fish roe	Gross kilo	0.01
14-01		Dried fish roe	Gross kilo	0.01
.....				
14-03		Turtle eggs	Gross kilo	1.00
.....				
.....				
	152	Fresh, salted or dried animal intestines and swin bladders		

Fraction		Nomenclature	Unit for application of rate	Rate Ps. Cts.
15-22		Fish swim bladders	Gross kilo	0.02
	153	Animal waste		
.....				
15-31		Livers and liver waste of shark and all kinds of fish	Gross kilo	Exempt
15-32		Fish waste, unspecified	Gross kilo	Exempt
.....				
15-36		Shrimp shells, although crushed	.....	Exempt
.....				
	158	Turtle, mother-of-pearl and other shells: coral and sponges in their natural state		
15-80		Turtle shells in bulk	Legal kilo	2.00
15-81		River mother-of-pearl	Gross kilo	0.01
15-82		Ocean mother-of-pearl	Gross kilo	0.02
15-83		Shells, unspecified	100 gross kgs.	0.10
15-84		Coral in bulk	Gross kilo	Exempt
15-85		Sponges in their natural state	Gross kilo	Exempt
15-86		Cleaned sponges	Gross kilo	Exempt
	159	Animal matter in its natural state, unspecified		
15-90		Shark fins	Gross kilo	Exempt
15-91		Whalebone	Gross kilo	Exempt
.....				
15-94		Whale and sperm whale waste, unspecified	Gross kilo	Exempt
15-95		Waste of cetaceans, unspecified	Gross kilo	Exempt
.....				
	292	Other plants and parts of plants for various uses		
29-20		Marine algae used for extraction of agar-agar	Gross kilo	Exempt
29-21		Marine algae, unspecified	Gross kilo	Exempt
29-22		Sargasso	Gross kilo	Exempt
.....				
	631	Fish, crustacean and mollusc preparations and conserves		

Fraction	Nomenclature	Unit for application of rate	Rate Ps. Cts.
63-10	Abalone in bottles, jars or tins	Gross kilo	Exempt
63-11	Tuna in bottles, jars or tins	Gross kilo	Exempt
63-12	Shrimp in bottles, jars or tins	Gross kilo	Exempt
63-13	Crab in bottles, jars or tins	Gross kilo	Exempt
63-14	Lobster in bottles, jars or tins	Gross kilo	Exempt
63-15	Oysters in bottles, jars or tins	Gross kilo	Exempt
63-16	Salmon in bottles, jars or tins	Gross kilo	Exempt
63-17	Sardines in bottles, jars or tins		
63-19	Preparations and conserves of fish, crustaceans and molluscs, unspecified, in bottles, jars or tins	Gross kilo	Exempt

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APPENDIX XXXVII

EXCERPTS FROM TARIFF FOR GENERAL IMPORT DUTIES

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GENERAL RULES FOR THE APPLICATION OF THE IMPORT TARIFF

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RULE NUMBER 2

Determination of net, legal and gross weights

I. NET WEIGHT.

By net weight is understood the intrinsic weight of the merchandise, without cores, containers or wrapping.

II. LEGAL WEIGHT.

By legal weight is understood that of the goods, including that of the ordinary containers in which they are packed inside the outer packing which serves as a general receptacle.

When an article is fastened by means of screws, nails, rope or cable, to boards of the outer container, the legal weight of the merchandise should be computed excluding such boards.

For the computation of legal weight, the straw, excelsior, paper scraps or any other loose waste matter with which the goods have been packed in the outer container should not be included; but with reference to such waste matter, the regulations issued for reasons of hygiene or agricultural defense should be observed.

The crosspieces and framework used to secure the goods within the outer container should not be included in the legal weight.

III. GROSS WEIGHT.

By gross weight is understood that of the merchandise with its ordinary containers, inner and outer.

The waste matter used in packing the goods shall also be included in the gross weight.

RULE NUMBER 3

Containers

I. ORDINARY INNER CONTAINERS.

The boxes, barrels, baskets, receptacles, cases, coverings, wrappings, cores, hoops and binding are considered ordinary inner containers; also, in general, everything which is used in the packing or adjustment of the goods which they contain, or for precautions of security necessary for their transport.

When the merchandise contained in ordinary containers is taxed according to net weight, number, or measure, such containers shall not be considered.

II. ORDINARY OUTER CONTAINERS.

The ordinary inner containers are considered as ordinary outer containers.

Outer sacks of pitched or tarred cloth, paper, or rigid vegetable fiber cloth or of smooth white cotton, although having printed marks or figures of any kind; except in instances in which the (tariff) sections specifically state that they are to be declared separately, as well as when the sacks are made of double cloth.

Coverings for packages made of the types of cloth mentioned in the preceding paragraph, and those which in themselves make up the outer container of this type of parcel, are also considered ordinary outer containers.

Cases and crates directly placed in the container with no intervening material to secure them are considered as a single container since the aggregate forms the general receptacle. Glass containers with or without packing, protected by cases, crates, baskets or other receptacles, as long as the two form a general receptacle, are also considered the outer container.

III. SPECIAL INNER CONTAINERS.

There are considered as special inner containers, those which obviously do not belong to the merchandise contained in them, but which have commercial value in themselves by virtue of being a deluxe container or of having a use other than that given them, and in instances when upon evaluation apart from their contents, they are subject to higher duties, they must be declared so that the correct rate may be applied. In case such containers, evaluated separately from their contents, are subject to the same or lower duties, they shall be considered as ordinary containers.

IV. SPECIAL OUTER CONTAINERS.

There are considered as special outer containers those which come under the description in the preceding paragraph; and regardless of whether they are subject to higher, the same, or lower duties than those corresponding to the merchandise contained in them, they shall be declared for assessment at the rate which is applicable to them.

V. CLOTH SACKS OR BAGS SERVING AS INNER CONTAINERS.

When the merchandise is contained in any kind of cloth sacks, fitted into the outer container which serves as a general receptacle for them, such sacks shall be considered as special inner containers.

VI. CLOTH SACKS OR BAGS SERVING AS OUTER CONTAINERS.

Cloth sacks or bags serving as outer containers, except those classified as ordinary outer containers, are considered special outer containers, subject to the corresponding duties.

VII. CLOTH SERVING AS COVERING FOR INNER CONTAINERS.

Cloth used as covering for merchandise or for inner containers, fitted into the outer container serving as a general receptacle for them, shall be considered as a special inner container, with the exception of that which is pitched, tarred, oiled or rubberized, imported in the necessary quantities.

VIII. CLOTH SERVING AS COVERING FOR OUTER CONTAINERS.

Cloth used as outer covering of the container serving as a general receptacle, shall be considered a simple wrapping for such container, if it is pitched or tarred, or if it is of heavy jute or of smooth, white cotton, even though it has any kind of marks or stamping; otherwise it must be declared and shall be subject to the corresponding duties.

IX. FITTED CASES.

The tariff gives special duties for fitted cases. When the cases contain machines, apparatus, instruments or tools, they are considered as ordinary inner or outer containers, except upon specific mention in the tariff.

Similarly there are considered as ordinary inner or outer containers, unspecified cases containing goods dutiable according to legal weight, as long as the cases, evaluated apart from their contents, are subject to lower duties, since otherwise they shall be considered as special inner containers.

Cases containing goods dutiable according to net weight or by individual unit, shall be subject to the corresponding duties.

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Fraction		Classification	Unit for Application	Rate Ps. Cts.
	1	Animal matter		
	10	Live animals		
.....				
	102	Fishes, crustaceans and molluscs		
	1020	Fishes and crustaceans		
1.02.00		Lobster	Gross kilo	0.10
1.02.09		Fishes and crustaceans, unspecified	Gross kilo	0.10
	1021	Molluscs		
1.02.10		Oysters in the shell	Gross kilo	0.10
1.02.19		Molluscs, unspecified	Gross kilo	0.10
.....				
	111	Fresh fish and shellfish		
	1110	Fish		
1.11.00		Fresh or frozen snapper or pargo	Gross kilo	0.20
1.11.01		Fresh or frozen sardine	Gross kilo	0.20
1.11.09		Fresh or frozen fish, unspecified	Gross kilo	0.20
	1111	Shellfish		
1.11.10		Fresh or frozen lobster	Gross kilo	0.20

Fraction		Classification	Unit for Application	Rate Ps. Cts.
1.11.19		Fresh shellfish, unspecified	Gross kilo	0.20
.....				
	119	Miscellaneous		
	1190	Sponges		
1.19.00		Quality sponges	Legal kilo	10.00
1.19.01		Common sponges	Legal kilo	1.50
.....				
	121	Preserved fish and shellfish		
	1210	Fishes		
1.21.00		Dried, salted or smoked cod, in any container	Legal kilo	0.40
1.21.01		Caviar	Legal kilo	0.70
1.21.02		Preserved salmon with weight including immediate container not more than 5 kilos, and providing contents is labeled on container	Legal kilo	0.70
1.21.03		Preserved sardine with weight including immediate container not more than 5 kilos, and providing contents is labeled on container	Legal kilo	0.70
1.21.04		California sardine (Sardina caerulea) preserved in tomato, mustard or oil, with weight including immediate container not less than 210 grams, and providing type of sardine and contents is labeled on container	Legal kilo	0.70
1.21.08		Salted, smoked or brined fish, unspecified	Legal kilo	0.40
1.21.09		Preserved fish, unspecified	Legal kilo	0.70
	1211	Preserved shellfish		
1.21.10		Dried salted shrimp	Legal kilo	0.50
1.21.11		Preserved shrimp in jars or tins	Legal kilo	0.80
1.21.12		Shucked oysters, prepared or unprepared	Legal kilo	0.80
1.21.18		Dried, salted, smoked or brined shellfish, unspecified	Legal kilo	0.40
1.21.19		Preserved shellfish, unspecified	Legal kilo	0.70
.....				

APPENDIX XXXVIII

EXCERPTS FROM NEW NOMENCLATURE AND LIST
OF "AFOROS" EFFECTIVE SEPTEMBER 12, 1939,
FOR THE COLLECTION OF THE 12% TAX ON PRODUCTS EXPORTED

Fraction	Nomenclature	Unit	Aforo (Pesos)
1	Animal matter in natural state or simply prepared		
10	Live animals		
.....			
104	Fishes, crustaceans, molluscs and cetaceans		
10-40	Clams	Gross kilo	0.10
10-41	Crabs	Gross kilo	0.10
10-42	Snails	Gross kilo	0.10
10-43	Sea elephant and seal	No aforo	
10-44	Lobster	Gross kilo	1.75
10-45	Sea lion	No aforo	
10-46	Oysters in the shell	No aforo	
10-47	Fishes	Gross kilo	0.30
10-49	Crustaceans, molluscs and cetaceans, unspecified	Gross kilo	0.30
.....			
11	Fresh, dried, salted, smoked or simply cooked fish, crustaceans and molluscs		
110	Fresh or frozen fish		
11-00	Tuna	Net kilo	0.40
11-01	Filleted fish, wrapped in sanitary paper	Gross kilo	1.10
11-02	Snappers and pargos	Net kilo	1.30
11-03	Robalo	Net kilo	1.60
11-04	Shark	Net kilo	0.70
11-05	Totoaba	Net kilo	1.12
11-09	Fresh or frozen fish, unspecified	Net kilo	1.60
111	Dried, salted or smoked fish		
11-10	Cod	Gross kilo	0.70
11-19	Dried, salted or smoked fish, unspecified	Gross kilo	3.00
112	Fresh, dried, salted or simply cooked crustaceans		

Fraction		Nomenclature	Unit	Aforo (Pesos)
11-20		Fresh raw shrimp	Gross kilo	2.30
11-21		Fresh cooked shrimp	Gross kilo	2.30
11-22		Dried shrimp, w/shell	100 gross kgs.	250.00
11-23		Dried shrimp, peeled	100 gross kgs.	250.00
11-24		Crabs	Gross kilo	0.30
11-25		Fresh or cooked lobster	Gross kilo	1.26
11-29		Fresh, salted or simply cooked crustaceans, unspecified	Gross kilo	0.25
	113	Fresh, dried, salted or simply cooked molluscs		
11-30		Fresh abalone	Gross kilo	0.30
11-31		Dried, salted or simply cooked abalone	Gross kilo	0.25
11-32		Octopus	Gross kilo	1.25
11-39		Fresh, dried, salted or simply cooked molluses unspecified	Gross kilo	0.25
.....				
	14	Edible animal products, in their natural state		
	140	Miscellaneous		
14-00		Fresh fish roe	No aforo	
14-01		Dried fish roe	No aforo	
.....				
14-03		Turtle eggs	No aforo	
.....				
.....				
	152	Fresh, salted or dried animal intestines and swim bladders		
.....				
15-22		Fish swim bladders	Gross kilo	1.13
.....				
	153	Animal waste		
.....				
15-31		Livers and liver waste of shark		
.....		and all kinds of fish	Gross kilo	7.70
15-32		Fish waste, unspecified	No aforo	
.....				
15-36		Shrimp shells, although crushed	Gross kilo	0.15
.....				
	158	Turtle, mother-of-pearl and other shells; coral and sponges in their natural state		
15-80		Turtle shells in bulk	No aforo	

Fraction		Nomenclature	Unit	Aforo (Pesos)
15-81		River mother-of-pearl	No aforo	
15-82		Ocean mother-of-pearl	No aforo	
15-83		Shells, unspecified	No aforo	
15-84		Coral in bulk	Gross kilo	2.00
15-85		Sponges in their natural state	No aforo	
15-86		Cleaned sponges	No aforo	
	159	Animal matter in its natural state, unspecified		
15-90		Shark fins	Gross kilo	4.90
15-91		Whalebone	Gross kilo	0.84
.....				
15-94		Whale and sperm whale waste, unspecified	No aforo	
15-95		Waste of cetaceans, unspecified	No aforo	
.....				
	292	Other plants and parts of plants for various uses		
29-20		Marine algae used for extraction of agar-agar	Gross kilo	0.18
29-21		Marine algae, unspecified	Gross kilo	0.18
29-22		Sargasso	Gross kilo	0.18
.....				
	631	Fish, crustacean and mollusc preparations and conserves		
63-10		Abalone in bottles, jars or tins	Gross kilo	0.23
63-11		Tuna in bottles, jars or tins	Gross kilo	0.75
63-12		Shrimp in bottles, jars or tins	Gross kilo	1.60
63-13		Crabs in bottles, jars or tins	Gross kilo	0.90
63-14		Lobster in bottles, jars or tins	Gross kilo	0.90
63-15		Oysters in bottles, jars or tins	No aforo	
63-16		Salmon in bottles, jars or tins	Gross kilo	0.70
63-17		Sardines in bottles, jars or tins	No aforo	
63-19		Preparations and conserves of fish, crustaceans and molluscs, unspecified, in bottles, jars or tins	Gross kilo	0.90
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APPENDIX XXXIX

EXCERPTS FROM RECIPROCAL TRADE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND MEXICO

Signed at Washington December 23, 1942.

Proclaimed by the President of the United States December 28, 1942.

Proclaimed by the President of the United Mexican States December 31, 1942.

Supplementary proclamation by the President of the United States December 31, 1942.

Effective January 30, 1943.

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ARTICLE VII

Articles the growth, produce or manufacture of the United States of America, enumerated and described in Schedule I annexed to this Agreement and made an integral part thereof, shall, on their importation into the United Mexican States, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United Mexican States in force on that day.

ARTICLE VIII

1. Articles the growth, produce or manufacture of the United Mexican States, enumerated and described in Schedules II and III annexed to this Agreement and made an integral part thereof, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedules, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on that day.

2. The Government of the United States of America reserves the right to withdraw or to modify the concession in respect of the ordinary customs duty granted on any article enumerated and described in Schedule III of this Agreement at any time after the termination of the unlimited national emergency proclaimed by the President of the United States of America on May 27, 1941, on giving six months' written notice to the Government of the United Mexican States, but in no event shall the rate of duty on such article exceed the rate of duty in effect on the day of the signature of this agreement.

SCHEDULE I

Mexican Tariff Fraction	Description of Article	Dutiable Unit	Rate of Duty in Mexican Pesos
.....			
1.21.02	Canned salmon weighing with the immediate container up to 5 kilos, provided the container is labelled to indicate contents.	L.K.	0.70
1.21.04	Canned sardines (Sardina caerulea), in tomato or mustard sauce or oil, whose weight, including the immediate container, is not less than 210 grams, provided the container is labelled to indicate the type of sardine and its weight.	L.K.	0.70
.....			

SCHEDULE II

Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
.....		
717 (a)	Fish, fresh or frozen (whether or not packed in ice), whole, or beheaded or eviscerated or both, but not further advanced (except that the fins may be removed):	
	White sea bass or totoaba	1/2¢ per lb.
717 (c)	Fish, dried and unsalted:	
	Shark fins	3/4¢ per lb.
.....		
1624	Fish sounds	Free
.....		
1669	Drugs of animal origin which are natural and uncompounded and not edible, and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol:	

SCHEDULE II — Continued.

Mexican Tariff Fraction	Description of Article	Rate of Duty
	Fish livers	Free
1678	Sharkskins, raw or salted	Free
.....		
1685	Fish scrap and fish meal of a grade used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers	Free
.....		
1761	Spiny lobsters, fresh or frozen (whether or not packed in ice)	Free
1761	Shrimps and prawns, fresh or frozen (whether or not packed in ice)	Free
1761	Shellfish, fresh or frozen (whether or not packed in ice), or prepared or preserved in any manner (including pastes and sauces), and not specially provided for:	
	Abalone	Free
.....		
718 (a)	Fish, prepared or preserved in any manner, when packed in oil or in oil and other substances:	
	Tuna	22-1/2% ad valorem
.....		

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APPENDIX XL

CIRCULAR NO. 208-8-45, WHICH PROVIDES THAT INDIVIDUAL SPORT FISHING PERMITS SHALL BE ISSUED BY MEANS OF ACCOUNTABLE FORMS, FOR COLLECTION IN SAN DIEGO, CALIFORNIA, U.S.A.

Signed April 2, 1940. Published April 9, 1940.

CIRCULAR NUMBER 208-8-45

I. Individual permits for sport fishing, valid for one day, to be issued in San Diego, Cal., U.S.A., shall be issued on accountable forms, series A. printed by the Stamp and Bond Printing Shops, in accordance with the details approved by the Treasury of the Federation.

II. When printed, the accountable forms shall be stored in the stamp and Bond Warehouse of the Treasury of the Federation for the following purposes:

a. Distribution to the receiving offices, through orders in accordance with the needs of the collecting offices, with a copy to the Directorate General of Fiscal Inspection.

b. Monthly accounting to the Treasury of the Federation, including the serial numbers on form No. 14 referred to in rule 106 of the Instructions for Rendition of Accounts, with a copy also to Fiscal Inspection.

III. The receiving offices shall register the movement of these forms, considering likewise the progressive numeration, on account-statement form 14 for integrating the monthly account to the Treasury of the Federation, and they shall observe the following instructions:

a. When dealing with operations taking place in Federal Treasury Offices, the proceeds of the sale of forms shall be registered on form 2 paybills referred to in rule 50 of the Instructions for Rendition of Accounts, included in the Collection Summary made in accordance with clause f.

b. When the sale is made by other offices or agencies, registration shall be made on form 3 mentioned in rule 52 of those instructions.

c. In any event there shall be noted, in the column marked "Purpose", the first and last numbers of the forms sold during the month; the paybill shall be accompanied by a summary of the "Statement of Accounts of Official Accountable Forms" for the purpose of clarification, and a copy of this shall be sent to the Directorate General of Fiscal Inspection.

IV. Receiving offices abroad shall summarize daily, for the Consulate of the area, the total of receipts from taxes, fees and charges for fishing activities, in accordance with the following:

a. Directly to the cashier of the Consulate, when both offices are in the same town.

b. If such is not the case, to the bank designated by the Consulate.

V. The Directorate General of Fiscal Inspection shall control the accountable forms in question, through the tax receiving offices; it shall audit their accounts as it deems necessary, and ascertain the amount of funds and accountable forms at least once a month.

VI. For purposes of the above rule, in addition to the usual procedures, the auditors or inspectors of the Ministry of Treasury and Public Credit shall gather from the local fishing office, figures on the number of permits issued, numbers of the forms used, gaps in numeration and any other facts relative to fishing activities in waters of federal jurisdiction.

VII. The receiving offices, when requested, shall furnish data concerning accountable forms sold and in stock, to the Department of the National Navy auditors on inspection trips or to the Department Headquarters.

VIII. When the accountable forms have been sold by the receiving office, the chiefs of the proper offices of the Department of the National Navy or the authorized officers, upon request by the interested parties and if it is in order, shall authorize such forms with their signature and seal so that they may serve as individual sport fishing permits, marking in each case the dates of issue and validity.

IX. Individual sport fishing permits issued on series A forms shall be collected abroad by the fishery inspectors upon the return of the boats and voided with the word "cancelled".

X. The offices and agencies of the Department of the National Navy, when requested, shall furnish the data required in rule VI, to the auditors and inspectors of the Ministry of Treasury and Public Credit or to the chiefs of the agencies of that Ministry.

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APPENDIX XLI

DECREE ESTABLISHING FREE ZONES IN THE STATE OF SONORA AND THE TERRITORIES OF LOWER CALIFORNIA

Signed May 25, 1939. Published June 3, 1939.

D E C R E E :

Article 1. A free zone is established comprising the North and South Territories of Lower California.

Article 2. A partial free zone is created in the State of Sonora, with the following boundaries: on the north, the international boundary line from the bed of the Colorado river to a point located on that boundary line ten kilometers west of Sonoita; from that point, a straight line to the coast at a point located ten kilometers east of Puerto Penasco; from there, following the coast to the Colorado river, and thence, following the bed of that river north to the point where it crosses the international boundary line.

Article 3. Customs operations carried out in such free zones shall be subject to the provisions established by the Customs Law and its Regulations, as well as those issued for such purposes by the Ministry of Treasury and Public Credit.

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APPENDIX XLII

DECREE AMENDING THE REGULATION OF THE CUSTOMS LAW

D E C R E E :

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Article 568. The Free Zones of Payo Obispo and Cozumel, Quintana Roo shall have the boundary lines fixed in the Decree of April 4, 1934 and the Partial Free Zones, those specified in the Decrees of June 10, 1937 and August 23, 1938. The small towns of El Rosario, San Agustin and El Marmol, Lower California, shall be considered as included within these boundaries, as well as the islands under the political jurisdiction of the Northern Territory of Lower California, located within territorial waters.

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APPENDIX XLIII

AMENDMENTS TO THE CUSTOMS LAW

Signed December 31, 1938. Published December 31, 1938.

D E C R E E :

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Article 418. The Free Zones and Partial Free Zones established in the Republic shall be governed by the provisions of this ruling and the standards set in the Regulations (of the Customs Law).

Article 419. Foreign merchandise brought into the Free Zones and Partial Free Zones shall not pay import duties as long as it does not leave same to enter the rest of the country.

Neither shall domestic merchandise exported from such zones be subject to export duties, provided it has been produced, manufactured or transformed therein, by means of industrial processes.

Article 420. Merchandise similar to that produced within the Free Zones and Partial Free Zones shall not enjoy the exemption referred to in the first paragraph of the foregoing Article.

Article 421. All legitimate rulings of the Federal Government which forbid or restrict international traffic of merchandise in the remainder of the country shall govern the entry and departure of such from the Free Zones and Partial Free Zones.

Consequently, whenever a normal operation with such merchandise is carried out, its traffic shall be prevented with regard to the former, and as regards the latter, compliance with the special requirements shall be exacted.

Smuggling of such merchandise shall be punishable with the penalties set forth in this Law.

Article 422. Merchandise produced within the Free Zones or Partial Free Zones and merchandise manufactured or transformed therein by industrial processes may be sent to the rest of the country without payment of customs duties, even though it has been produced, manufactured or transformed with foreign raw materials.

Article 423. The international transit of merchandise which enters or leaves the country through customs offices in Free Zones or Partial Free Zones shall be subject to the ordinary rules laid down therefor in this Law and its Regulations.

A permit must be obtained from the head office of customs for the special exportation of foreign merchandise.

Article 424. Merchandise may enter and leave Free Zones or Partial Free Zones only through the authorized places or lodges previously established.

As regards vehicles which have not received Mexican licenses, and which are located in such Zones, they may leave subject to the same requirements and conditions fixed in this Law and its Regulations for the temporary importation of vehicles belonging to tourists. Such vehicles may only travel: those leaving the customs offices in the Partial Free Zone -- through the peninsula of Lower California; those leaving the port of Cozumel -- throughout the Island of Cozumel; and those leaving Chetumal, Q.R., -- through the Territory of Quintana Roo.

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APPENDIX XLIV

CIRCULAR NO. 301-10-16 DETERMINING GOODS WHICH SHALL BE SUBJECT TO IMPORT TAX UPON ENTERING THE TERRITORIES OF LOWER CALIFORNIA

Signed January 15, 1943. Published January 25, 1943.

To the Customs Administrator.

In accordance with the powers granted in the second paragraph of article 420 of the Customs Law, with reference to article 1 of the Decree of May 25, 1939, which established a free zone covering the North and South Territories of Lower California, for the determination of the foreign goods which upon entering such free zone must pay the corresponding taxes, this Ministry sees fit to order the following:

The articles listed below, imported for local consumption into the free zone established in the Territories mentioned, must pay the corresponding import taxes, in view of the fact that similar goods are produced within that zone:

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Preserved fish and shellfish, similar to those produced in the Municipalities of the Territories, by the factories established prior to the law of August 30, 1933.

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APPENDIX XLV

DECREE EXEMPTING THE INDIGENT FISHERMEN FROM THE PAYMENT OF FEES ON THE EXPLOITATION OF FRESH FISH, WITH THE EXCEPTION OF THE SPECIES HEREIN SPECIFIED.

Signed June 8, 1934. Published September 12, 1934.

D E C R E E :

Sole Article: With the exception of the species known commercially as Huachinango (red snapper), Robalo, Totoaba, Tuna, Skip-jack, Bonito, Mackerel, Albacore, Jacks, Sardine, Flounders, Rock bass, Jewfish and Swordfish, the indigent fishermen are exempted from the obligation of paying the fees on the exploitation of fresh fish in all cases in which the day's catch is not greater than 50 kilograms, and provided that the products are destined to consumption in the local markets, and this only in the cases in which the fisherman has no other resources by which to earn his subsistence and that of his family.

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APPENDIX XLVI

ORDER PROHIBITING THE EXPLOITATION OF SARDINES, ANCHOVIES AND ANCHOVETTAS FOR CONVERSION INTO FERTILIZERS

Signed August 9, 1934. Published September 13, 1934.

O R D E R :

Article 1. The exploitation of sardines, anchovies and anchovettas for the purpose of converting them into fertilizers, oils, greases and other similar uses, is strictly prohibited.

Article 2. The capture of these species is permitted only when they are destined for processing by means of canning or when they are used for bait.

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AMENDMENT

Signed October 9, 1941. Published October 22, 1941.

ORDER AUTHORIZING THE CAPTURE IN THE GULF OF CALIFORNIA, OF SPECIES OF SARDINES NOT SUITABLE FOR CANNING

O R D E R :

Article 1. The order of August 9, 1934, is modified in the sense that in the Gulf of California the capture of sardines of the following species not suitable for canning shall be permitted: Bocona Sardine (Anchovia macrolepidota), Anchovetta Sardine

(Sardinella thrisinea), Machete or Rabo Sardine (Opisthonema libertate), and Yellow-fin Sardine (Opisthopterus lutipinis), for purposes of reduction by means of floating plants operating as auxiliaries to plants established ashore, under a contract-concession; and of an experimental nature.

Article 2. The exploitations carried out in accordance with the provisions of the preceding article shall not exceed one hundred tons daily, and shall be effected within a period of time not greater than eight months, the coming season to begin on November 1 of the present year and to end on June 30, 1942.

Article 3. The concessionnaire obtaining the authorization referred to in article 1, is obliged to permit aboard his fishing boats, floating plants, auxiliary units, etc., the employees designated by this Ministry to make the technical studies necessary to place the Ministry in possession of such information and data as will permit it to issue, in due course, the regulations which shall control this matter.

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APPENDIX XLVII

CIRCULAR NUMBER 26 ORDERING THE COOPERATION OF THE MEMBERS OF THE ARMY TO PREVENT FISHERMEN FROM USING EXPLOSIVES OR TOXIC SUBSTANCES

Signed June 7, 1935. Published July 19, 1935.

CIRCULAR NO. 26

General Staff 16-1935

By order of the Minister, and for the purpose of cooperating fully with the Department of Forestry and of Hunting and Fishing, in order to prevent the use of explosives and toxic substances by fishermen, this Ministry sees fit to order: that the Commanders of zones, Garrisons and Troop Units, as well as the Commanders of Detachments, cooperate with the enforcement division of the Department of Forestry and of Hunting and Fishing, in order to put an end to the noxious practice of fishing by means of explosives and toxic substances, the violators to be turned over to the proper authorities, so that they may impose the necessary penalties for violation of the Hunting and Fishing Law.

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APPENDIX XLVIII

ORDER DECLARING TODOS SANTOS BAY, LOWER CALIFORNIA, A ZONE RESERVED FOR THE EXCLUSIVE USE OF THE INHABITANTS OF THE PORT OF ENSENADA AND ITS ENVIRONS

Signed July 30, 1937. Published August 13, 1937.

O R D E R :

I. All the waters comprising Todos Santos bay, whose natural and officially recognized limits are: from San Miguel point in a straight line to the northwest extremity of Todos Santos islands, following the western contour of these to the southeast extremity; from there

in a straight line to Punta Banda reefs, and back, following the contour of the coast to San Miguel point; are designated as a zone reserved for the exclusive use of the inhabitants of the port of Ensenada and its environs, organized national fishermen and small scale fishermen, as well as established industries or those which in the future may be established within this region.

II. (x) Consequently fishing is prohibited to domestic and foreign boats operated by concessionnaires, organized fishermen and individuals located within the indicated perimeter. It shall be permitted to grant temporary experimental permits within Todos Santos bay, for the establishment of fixed or bottom nets for a period of time which in the opinion of this Department is sufficient to determine the benefits or damage that they may produce. In each instance, the Department of Forestry and of Game and Fishing, shall designate a commission to make technical and economic studies of the operation of the net, and based on the result of these studies, definite permission will be refused or granted in accordance with the provisions of the Fishery Law and its Regulations.

(x) As amended April 9, 1938, published in the Diario Oficial on April 15, 1938.

III. Not excluded from fishing in the zone in question are legally authorized sport fishermen as long as it is not proven that they hamper the fishing operations of the local inhabitants.

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APPENDIX XLIX

ORDER CLOSING THE CAPTAINCY OF THE INTERNATIONAL FISHERY SERVICE OF THE PACIFIC

Signed December 1, 1937. Published December 13, 1937.

O R D E R :

Article 1. The Captaincy of the International Fishery Service created by the order of the Department of Forestry and of Hunting and Fishing, dated May 21, 1937, is closed, and said order is modified as follows:

I. The Forestry and Hunting and Fishing Office in Ensenada, Lower California, shall immediately take cnarge of all the functions handled by the International Fishery Service of the Pacific, its jurisdiction being the waters of Lower California and environs, which the order of May 21, 1937, assigned to the International Fishery Service.

II. All the personnel attached to the International Fishery Office shall be transferred directly to the Office of this Department in Ensenada, Lower California.

III. The personnel previously under the International Fishery Service, upon transfer to the Ensenada Office, have the obligations in general corresponding to said Office.

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APPENDIX L

CIRCULAR NO. 1-39

Mexico, D.F.
January 10, 1939.

To the Chief of the Statistical Office:

Please take note that beginning today your Agency must demand of all exploiters or permissionnaires in the field of commercial forestry, fishing and hunting, that prior to the granting of permits to them, they furnish proof that they are inscribed in the National Register of Commerce and Industry and are members of the Chamber of Commerce of their districts, in order to comply with the provisions of articles 5 and 7 of the Law of Chambers of Commerce and Industry, unless they justify their capitalization of less than 500.00 pesos.

In case of non-compliance with the above provision on the part of the permissionnaires, they shall not be granted any permit or authorization for exploitations or utilizations.

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APPENDIX LI

DECREE MAKING OBLIGATORY THE USE OF CERTIFICATES OF ORIGIN TO MAKE SHIPMENT OF FISHERY PRODUCTS WITHIN NATIONAL TERRITORY

Signed December 17, 1940. Published December 31, 1940.

D E C R E E :

Article 1. It is mandatory for fishermen and in general for all persons who ship fishery products within the country, to use fishery certificates of origin. These documents shall be indispensable for the transportation of such products and shall be granted without cost to the interested parties by the Fishery Offices, upon proof that the products come from legal exploitations and that the corresponding exploitation fees have been paid.

Article 2. Fishermen who export their products directly to a foreign country, shall also be obliged to obtain these certificates of origin to cover the shipment of such products within national territory.

Article 3. The Department of the National Navy shall at all times have the power to change or to introduce innovations in the certificates of origin of fishery products, tending to improve the control obtained by them, and shall be the only authority with the power to exercise the functions of enforcement and control of the shipment of such products throughout the Republic.

Article 4. All transportation companies established in the country shall be obliged to cooperate with the Federal Executive in order to make effective the compliance with this regulation, demanding of those who request shipment of fishery products, the presentation of the corresponding certificate of origin issued by Fishery personnel, and in case they do not do so they shall incur responsibility in accordance with the Fishery Laws.

Article 5. When requested, all wholesalers or retailers shall furnish the fishery enforcement personnel with detailed information as to the quantities of products they receive, their origin, species, etc., being advised that such information is solely for purposes of

control and not fiscal, except when the corresponding exploitation fees have not been paid on the product, in which case they shall be paid in accordance with article 4 of the Fishery Tariff Act.

Article 6. In the reports received from the wholesalers or distributors, under no circumstances should there be omitted the number of the certificate of origin under which the product was transported, which document shall be retained by the interested parties and cancelled by the fishery personnel at the point of entry or upon inspection.

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APPENDIX LII

DECREE RELATIVE TO THE SHARING OF FINES FOR VIOLATION OF THE FISHERY LAWS

Signed February 6, 1941. Published April 19, 1941.

D E C R E E :

Article 1. 20% of all income resulting from fines for violations of the fishery laws and other fishery regulations, definitely collected because of accusations by private individuals, shall be delivered to such individuals if the proof of violation is due to concrete facts furnished by the informer.

In no case may there be given to the informer any share of the receipts embracing fishery taxes, fees, products or divers benefits of the fines resulting from the accusation.

Article 2. A 20% share of the amount of the fines imposed and collected for violations of the fishery laws and other fishery regulations will also be given the fishery inspection and patrol employees who discover violations, the share being given to the employee who discloses such violation.

Article 3. In case the disclosure of a violation is made by private individuals and Fishery Inspection and Patrol employees, the 20% share of the fine shall be divided half and half.

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APPENDIX LIII

ORDER AUTHORIZING THE FORMATION OF A BODY OF TECHNICAL CONSULTANTS, TO STUDY AND SOLVE THE PROBLEMS AFFECTING FISHERIES.

Signed January 9, 1947. Published January 27, 1947.

O R D E R :

FIRST. The Ministry of Marine (Directorate General of Fisheries and Allied Industries) is authorized to form a Body of Technical Consultants, to comply with the spirit of the considerations serving as the basis of this order.

SECOND. The appointments of Technical Consultants should be given to persons of recognized ability and experience in the various subjects upon which the rules and regulations

with respect to their several fields should be based.

THIRD. The Body of Consultants should be of not more than five nor less than three, and with the collaboration of one of the Chiefs of Office of the Directorate General of Fisheries and Allied Industries designated for this purpose by the Director of same; and Chief of Office who will act as Secretary, will constitute the Consultative Commission of the above-mentioned Directorate, which Commission, as its name implies, will have a purely consultative status without administrative functions of any kind. One of the technical consultants appointed will have the Chairmanship of the Commission.

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APPENDIX LIV

ORDER ESTABLISHING A REFUGE ZONE FOR THE PROTECTION OF THE SPOTTED CABRILLA (PARALABRAX MANCULATO FASCIATUS)

Signed September 12, 1927.

O R D E R :

There are declared a zone of refuge for the protection of the spotted cabrilla (Paralabrax manculato fasciatus), the inlets located to the north of Cabo Haro, Guaymas, Sonora, as far as the place known as Pozo Moreno ; the fishing of the species mentioned therefore being absolutely prohibited at all times and under all circumstances; the destruction or extraction of aquatic plants in those inlets are also forbidden.

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APPENDIX LV

Signed January 12, 1939. Published January 26, 1939.

O R D E R :

Article 1. An absolute, local and permanent closed season is established, until the promulgation of a new order, for all types of fishing in the zone for one kilometer on either side of the bars or mouths communicating Laguna Madre, State of Tamaulipas, with the sea.

Article 2. Consequently, fishing is prohibited for all species inhabiting the zone indicated, throughout the year 1939 and until a new order is promulgated.

Article 3. In accordance with article 2 of the Regulations of the Fishery Law, this region is to be a refuge zone for the species of fish which inhabit it.

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APPENDIX LVI

ORDER ESTABLISHING A PERIOD WHEN THE CAPTURE OF TOTOABA SHALL BE PROHIBITED

Signed February 27, 1933. Published March 14, 1933.

FIRST. A local, partial and temporary closed season is hereby established for the capture of totoaba (Eriscion macdonaldi, Gilbert), as follows:

SECOND: In addition to the zones of refuge which may have been or may in the future be established for the protection of the totoaba (Eriscion macdonaldi, Gilbert), the capture of this species shall be prohibited within the territorial waters of Mexico on the coasts of the States of Sonora and Sinaloa and the east coast of the Territory of Lower California, form March 20 to April 30 each year.

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APPENDIX LVII

ORDER ESTABLISHING A CLOSED SEASON FOR THE TAKING OF BROWN AND WHITE ROBALO

Signed March 17, 1933. Published April 24, 1933.

O R D E R :

Article 1. A relative, local and temporary closed season is established for the taking of Brown Robalo and White Robalo (of the genus Centropomus), as follows:

Article 2. Without prejudice to the zones of refuge which have been established or which may in the future be established for the protection of the above-mentioned species, the taking of Brown Robalo and White Robalo (of the genus Centropomus) in national waters of the States of Veracruz and Tamaulipas is prohibited as follows:

North Zone. From May 15 to June 30 between Chachalacas bar, Veracruz, to the bar of Soto la Marina, Tamaulipas.

South Zone (x). From May 15 to June 20 from Chachalacas bar, Veracruz, to the bar of Tonala, on the boundary between the States of Veracruz and Tabasco.

(x) (As amended June 27, 1934, published in Diario Oficial of July 3, 1934.)

The minimum size limit for the species captured during the open season shall be 400 millimeters.

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APPENDIX LVIII

ORDER ESTABLISHING A CLOSED SEASON FOR THE CAPTURE OF THE VARIOUS SPECIES OF MULLET

Signed March 17, 1933. Published April 24, 1933.

FIRST: A partial, general and temporary prohibition is established for the capture of the various species of fish known as mullet (Mugil curema, M. cephalus, etc.) in the following terms:

SECOND: (x) In addition to the zones of refuge which may have been established or which may be established in the future for the protection of the species mentioned above, within the national waters of the Republic the capture of mullet (Mugil curema, M. Cephalus, etc.), is prohibited by a closed season from December 15 of one year through January 31 of the following year, with the exception of the region extending from the bay of Santa Maria, of the Municipality of Angostura, of the State of Sinaloa, to the border of the State of Sonora, inclusive, in which such closed season shall be from October 15 through November 30 each year.

(x) As amended by Order of March 9, 1939, published in Diario Oficial on March 31, 1939.

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APPENDIX LIX

ORDER ESTABLISHING A RELATIVE, GENERAL AND TEMPORARY CLOSED SEASON FOR THE TAKING OF LOBSTER AND CRAWFISH

Signed July 31, 1933. Published August 8, 1933.

O R D E R :

Article 1. A relative, general and temporary closed season for the capture of lobster and crawfish is established as follows:

Article 2. Without prejudice to the zones of refuge which have been established or which may in the future be established for the protection of the above-mentioned species, the taking of lobster and crawfish in territorial waters of the Republic is prohibited from March 16 to October 14 each year.

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APPENDIX LX

ORDER ESTABLISHING CLOSED SEASONS FOR THE TAKING OF OYSTERS

Signed August 16, 1939. Published September 8, 1939.

O R D E R :

Article 1. Relative or partial, local and temporary closed seasons for the taking of oysters are established as follows:

a) Coast of the Gulf of Mexico:

State of Tamaulipas. From July 1 to August 31.

State of Veracruz. From May 1 to June 30.

State of Tabasco. From May 1 to June 30. For the beds in the lagoon of Mecoacan, in this State, the closed season is relative, local and permanent until further notice.

State of Campeche. From May 1 to June 30. For the beds in the Moquel estuary of this State, the closed season is relative, local and permanent until further notice.

b) Coast of the Pacific Ocean:

State of Sonora. From April 15 to September 30. For the Bachoco estuary, District of Empalme, Sonora, the closed season is relative, local and permanent until March 2, 1940.

State of Sinaloa. From May 15 to September 30. For the Teacapan bar and beds within the estuaries which enter the sea by means of it, from June 1 to December 31.

State of Nayarit. From May 15 to September 30.

State of Jalisco. From May 1 to August 31.

State of Colima. From May 1 to August 31.

State of Michoacan. From May 1 to August 31.

State of Guerrero. From May 1 to August 31.

State of Oaxaca. From May 1 to August 31.

State of Chiapas. From May 1 to August 31.

Article 2. The minimum size which an oyster must have to be taken for market, shall be 80 millimeters, with the exception of those of the regions in which it is proven that the maximum growth does not reach this size, in which case special regulations shall be issued.

APPENDIX LXI

ORDER REGULATING THE VERIFICATION OF STOCK OF OYSTERS AT THE BEGINNING OF THE CLOSED SEASONS

Signed September 17, 1940. Published October 5, 1940.

O R D E R :

Article 1. Oyster permissionnaires are strictly forbidden, at the close of the open season for this mollusc, to maintain or to hold in water deposits either natural or artificial, the stock of oysters they may have in their possession.

Article 2. The above prohibition is also applicable to merchants, shippers or any other person or organization having in their possession, for the purpose of profit, any amount of oysters in the shell.

Article 3. The stock of oysters in the possession of the permissionnaires shall be established by taking into account only those oysters which are definitely out of the water in accordance with Articles 52 and 53 of the Fishery Regulation of January 20, 1933, and these products shall be handled in accordance with Articles 54 and 55 of that Regulation.

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APPENDIX LXII

REGULATION FOR THE SANITARY CONTROL OF OYSTERS AND CLAMS

Signed February 21, 1941. Published March 6, 1941.

CHAPTER I

GENERAL

Article 1. For the purposes of this regulation, there shall be considered:

I. As oysters: the lamelibranch or bivalve molluscs of the family Ostreidae.

II. As clams: the bivalve molluscs of the families Mytilidae, Veneridae and Tellinidae.

Article 2. For the exploitation, elaboration, processing, packing, packaging, transportation and sale of oysters and clams, a license must be obtained from the Department of Public Health. That license shall be granted if the requisites mentioned in this regulation are fulfilled.

CHAPTER II

ZONES OF PRODUCTION

Article 3. There shall be considered as healthful areas those which in the opinion of the Department of Public Health, may be exempt or protected from contamination by human fecal matter.

The purity of the water shall be determined by the distance between the oyster beds and the sources of contamination, by the dilution that the contaminated waters may have incurred, and by the appropriate lapse of time for natural purification.

Article 4. There shall be considered as unhealthy areas:

I. Those which are consistently contaminated by sewage.

II. Those which can be accidentally contaminated by wastes.

Article 5. In order to determine the healthfulness or unhealthfulness of the oyster areas or zones, there shall be taken into account:

I. Their sanitary characteristics;

II. The result of bacteriological examinations of the water and the shellfish.

It shall only be the Department of Public Health which shall decide the healthfulness or unhealthfulness of these areas and which shall determine the requisites which in each case must be fulfilled in order for an area to be considered healthful.

CHAPTER III

LICENSES AND CERTIFICATES

Article 6. The proper authorities shall issue fishing permits for oysters and clams only if the Department of Public Health has previously certified to the healthfulness of the areas or zones from which it is proposed to take the shellfish.

Article 7. All shipments of oysters and clams taken from areas authorized by the Department of Public Health, must be accompanied by certificates of origin which shall be issued by the doctors in charge of the Sanitary Delegations in the ports and zones of exportation. On them there will be stated:

I. That the shellfish come from areas authorized by the federal sanitary authorities.

II. The fishing license number and the name of the person or organization to whom granted.

III. The type of product concerned.

IV. The quantity being shipped.

V. That the product has been inspected by the sanitary authorities, and

VI. Names and addresses of consignor and consignee.

CHAPTER IV

FISHING BOATS AND ESTABLISHMENTS

Article 8. Boats used in the taking and transport of oysters and clams must be kept in good state of cleanliness and arranged in such a manner that the products taken and deposited in them may not be exposed to contamination.

The crews of such boats shall be responsible:

I. That while they are in oyster areas, they shall not contaminate the waters with fecal or other waste matter.

II. That the oysters and clams, once taken from the oyster areas, shall be transported immediately to the sheds or packing houses.

III. That they shall not permit said products to remain in waters the purity and salinity of which differ from that of the oyster areas or zones from which they came.

Article 9. An establishment for storing, washing, shucking, packing or packaging of oysters and clams, shall not be constructed, reconstructed, adapted or modified without authorization from the Department of Public Health.

Article 10. Operation of the establishments mentioned in the article above cannot be authorized without the following requisites:

I. Fulfillment of the sanitary requirements indicated in each individual case by the Department of Public Health.

II. Having available sufficient uncontaminated water for the various operations required by the industry. The purity of the water will be judged by the Department of Public Health.

Article 11. In order to satisfy articles 9 and 10, the interested parties must present to the federal sanitary authorities:

I. In triplicate, the plans and specifications of the construction, reconstruction, adaptation, installations or modifications which they propose to effect in the respective establishments.

II. A certificate of the chemical and bacteriological analyses of the waters to be used.

III. In triplicate, the request for license, in which will be noted:

a) Name of the owner, firm or company.

b) Type of establishment concerned, whether for storage or packing.

c) Legal address of the establishment.

d) Official statement as to the existence or not of public or other supply of uncontaminated water.

Article 12. Places used for storing oysters or clams shall be located:

I. Near the oyster areas, when in the opinion of the Department of Public Health, there is no sanitary objection.

II. On the premises of the packing plants.

Article 13. The places mentioned in the previous article, shall be constructed as follows:

I. Floors of waterproof material (cement, tile, flagstones joined with cement, etc.), with a minimum decline of 2% to the drainage systems approved by the Department of Public Health.

II. Walls of masonry, covered inside with waterproof material, to a minimum height of 1-1/2 meters, and corners rounded.

III. Roofs of galvanized corrugated sheets, of asbestos, cement, tile or concrete, and having a minimum height of three meters.

IV. Doors of metal or wood, painted with oil paint, and provided with double action hinges.

V. Doors, windows and other openings protected by screens to impede the access of insects.

Article 14. Oysters and clams shall not remain in storage more than 48 hours.

Article 15. Such places shall be kept in a state of cleanliness and shall not be used for the storage of shucked oysters or clams or of any other product or waste.

Article 16. Establishments for shucking, packing or packaging of oysters and clams shall have the following departments and services:

I. Place to receive and wash oysters and clams.

II. Place for shucking.

III. Special place for washing and packing shucked oysters or clams.

IV. Place for sterilization of utensils and containers.

V. Place for packaging.

VI. Mechanical refrigeration service for keeping shucked and packed oysters and clams.

VII. Supply of uncontaminated water with a minimum pressure of one-half atmosphere.

VIII. Toilet and washing facilities.

IX. Any others which the Department of Health may require, in accordance with the advancement of science.

Article 17. Places for receiving, washing, shucking, packing or packaging must fulfill the requirements of article 13, for storage bins.

Article 18. The instruments used in the shucking operations shall be constructed of solid, non-rusting and non-corrosive material, with smooth surfaces to facilitate cleaning, meeting requirements of the Department of Public Health.

Article 19. Receptacles, pails, ladles, seives, measures, agitators, etc., shall be of non-rusting, non-corroding, waterproof material and constructed in such a manner that they do not have gooves, cracks, creases, seams or dents; soldering shall be smooth.

Before being used, the instruments, utensils or containers shall be washed and sterilized by boiling or by steam with a minimum pressure of one atmosphere, for at least 5 minutes. It is prohibited to place one pail into another during shucking hours.

The containers shall be of material which does not contain substances which are toxic or which may alter the composition of the product.

Article 19. The place used for shucking shall have concrete tables covered with white cement or with other waterproof material; they shall have a smooth surface without panels and shall be used only for the operations of shucking and washing the shucked oysters and clams.

These tables shall be kept perfectly clean and shall be washed daily prior to shucking, with hot water and a solution of 2% soda.

Article 20. The refrigerating rooms shall be constructed so that the interior is lined with material which is waterproof, insulating, and of such a nature that it may be kept in a state of perfect cleanliness.

The temperature for keeping shucked oysters and clams must be between 2° C. and 8° C. The refrigeration of such products shall commence immediately after shucking.

Article 21. The places referred to in articles 13 and 16 shall furthermore fulfill the general requirements of the regulations of the Division of Sanitary Engineering of the Department of Public Health, and those of the Division of Industrial Hygiene of the Department of Labor.

Article 22. All places used in the operations of receiving, washing, shucking, packing or packaging of oysters and clams, shall be maintained in a state of perfect cleanliness and in this connection, the floors shall be washed daily before beginning work, and the interior of the refrigerating rooms and the walls of the various departments shall be washed with water under pressure twice a week.

Article 23. The shells, offal, and waste shall be removed from the establishment daily, in order to avoid bad odors and the propagation of insects.

CHAPTER V

PERSONNEL

Article 24. Each person working in the oyster industry must have a health card. Employees who, being carriers of the germs of contagious diseases, may, according to the Department of Public Health, endanger contaminating the products which they handle, will be retired from their work.

Article 25. All employees of receiving, shucking, packing or packaging departments for oysters and clams, shall wear uniforms, and shall wash their hands carefully with running water and soap before beginning work and after each visit to the toilet. There shall be placed on the walls of the establishments, or within easy view, signs indicating this requirement of hygiene.

CHAPTER VI

TRANSPORTATION

Article 26. The requirements of article 7 of this regulation must be complied with upon transporting oysters or clams, both to the interior of the country and for export.

Article 27. Shucked oysters or clams shall be shipped under refrigeration at temperatures between 2° C. and 8° C. so that the ice or other substances foreign to the shellfish shall not come in direct contact with them, from the time they leave the packing plant until they are received by the consumer.

CHAPTER VII

PENALTIES

Article 28. Violation of any of the provisions of this regulation shall always be punished by the confiscation of the oysters or clams causing the violation and furthermore, in accordance with the circumstances, with one of the following penalties:

a) If it is the first violation, a fine of one to one hundred pesos will be imposed;

b) If it is the second violation, a fine of one hundred to one thousand pesos will be imposed;

c) If it is the third violation, the violating establishment shall be closed for thirty days; and

d) If it is the fourth violation, the license mentioned in article 2 of this regulation shall be cancelled and the violating establishment shall be permanently closed.

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APPENDIX LXIII

ORDER ESTABLISHING A CLOSED SEASON
FOR A PERIOD OF THREE YEARS FOR THE EXPLOITATION
OF THE NATURAL OYSTER BEDS
IN THE ESTUARY OF MOQUEL, CAM.

Signed July 21, 1944. Published August 9, 1944.

O R D E R :

Article 1. A relative, local and permanent closed season is established for a period of three years from the date of entry into force of this order, for the taking of oysters from the natural reefs located in the Estuary of Moquel, State of Campeche.

Article 2. The permissionnaires, upon the entrance into force of this act, shall comply with the provisions of articles 52, 53 and 54 of the Fishery Regulation.

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APPENDIX LXIV

ORDER ESTABLISHING A RELATIVE, LOCAL
AND PERMANENT CLOSED SEASON FOR THE TAKING
OF OYSTERS IN WATERS OF TRES BOCAS ESTUARY, VERACRUZ

Signed February 21, 1945. Published March 13, 1945.

O R D E R :

Article 1. A relative, local and permanent closed season is established for the taking of oysters in waters of Tres Bocas estuary, from the point of its juncture with the Nautla river, State of Veracruz, such closed season to last until further notice from this Ministry, to be issued as a result of further technical studies.

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APPENDIX LXV

ORDER ESTABLISHING A RELATIVE, GENERAL AND TEMPORARY CLOSED SEASON FOR THE TAKING OF PEARL OYSTERS

Signed July 31, 1933. Published August 7, 1933.

O R D E R :

Article 1. A relative, general and temporary closed season for the taking of pearl oysters in the territorial waters of the Republic is established as follows:

Article 2. Without prejudice to the zones of refuge which have been established or which may in the future be established for the protection of the above-mentioned species, the taking of the pearl oyster in territorial waters of the Republic is prohibited from May 1 to August 31, each year.

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APPENDIX LXVI

ORDER PERTAINING TO THE CLOSED SEASONS FOR THE TAKING OF PEARL OYSTERS

Signed December 30, 1933. Published February 3, 1934.

O R D E R :

Article 1. The Order of July 31 of this year, establishing closed seasons for the taking of pearl oysters, is applicable only to the extraction performed by means of diving helmets.

Article 2. The extraction of pearl oysters without helmets, except in the case of zones of refuge which have been established or which may in the future be established, may be carried out throughout the year.

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APPENDIX LXVII

ORDER ESTABLISHING A CLOSED SEASON FOR THE TAKING OF PINNA (MOLLUSC) IN THE WEST COAST ZONE OF LOWER CALIFORNIA

Signed August 21, 1946. Published October 5, 1946.

O R D E R :

ARTICLE ONE. A relative, local and permanent closed season is established for the taking of the mollusc commonly known as Concha Hacha (Pinna), in the west coast zone of Lower California, from Cape Tosco, Santa Margarita Island, including all the beaches and estuaries bordering Creciente Island, and all the coast, from Boca del Colorado to the Cayuca Estuary, including this estuary in its entirety.

ARTICLE TWO. The closed season established shall last until the issuance of a new order, based on careful studies on the abundance and normal rate of growth of this mollusc, such investigation to recommend the lifting of the closed season or a methodical harvest.

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APPENDIX LXVIII

ORDER ESTABLISHING A PERMANENT CLOSED SEASON FOR THE CAPTURE OF THE SEA ELEPHANT AND THE FUR SEAL IN THE NATIONAL WATERS OF THE REPUBLIC.

Signed March 17, 1933. Published April 24, 1933.

O R D E R :

Article 1. A relative, general and permanent closed season is established for the capture of the Sea Elephant (Macrorhinus angustirostris) and the Fur Seal (Arctocephalus townsendii).

Article 2. Therefore it is absolutely forbidden at any time and under any circumstances, to pursue, to molest or to capture the species of animals mentioned above, in any of the national waters of the Republic.

Article 3. The study of the diseases affecting the sea elephant (Macrorhinus angustirostris), and endangering its existence, may be authorized only to scientific institutions recognized by the Ministry of Agriculture and Development, be they national or foreign, and for this purpose there may be permitted the capture of a maximum of two specimens each year, such not to be considered a violation of this order, under the specific condition that the capture and transfer be carried out under the direct supervision of the Fishery employee designated by this Ministry.

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APPENDIX LXIX

ORDER WHICH FIXES THE SEASON FOR FISHING THE SEA LION

Signed July 14, 1941. Published July 23, 1941.

O R D E R :

I. Fishing for the Sea Lion in waters off the Pacific Coast may take place only from May 1st to July 15th of each year.

II. In accordance with the foregoing, there is established a general and temporary closed season for the capture of the Sea Lion, which shall cover the period from July 16th of one year through April 30th of the next.

III. The capture of females, sucklings and young males is prohibited.

IV. Those capturing this species are obliged to utilize the oil, the skins and the bones of the animal.

V. The Ministry of the Navy, through its Fishing Delegations, shall determine where necessary, the maximum number os specimens which may be captured during a season.

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APPENDIX LXX

DECREE PROMULGATING THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING SIGNED IN LONDON ON JUNE 8, 1937.

Signed June 3, 1938. Published July 16, 1938.

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APPENDIX LXXI

DECREE APPROVING THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING

Published February 23, 1938.

D E C R E E :

SOLE ARTICLE. The International Convention for the Regulation of Whaling, signed in London June 8, 1937, is hereby approved.

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APPENDIX LXXII

DECREE APPROVING THE PROTOCOL ON THE INTERNATIONAL REGULATION OF WHALING SIGNED IN LONDON, FEBRUARY 7, 1944.

Signed December 28, 1945. Published April 8, 1946.

D E C R E E :

ONLY ARTICLE. The Protocol on the International Regulation of Whaling, signed in London February 7, 1944 by the Representative of Mexico and the other signatory nations, is approved.

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APPENDIX LXXIII

TARIFF FOR COMMERCIAL AND SPORT FISHING, EAST COAST

Signed June 29, 1947. Published July 2, 1947.

Tariff for commercial and sport fishing in territorial waters of the Gulf of Mexico and the Caribbean Sea, for boats of foreign registry which return to their bases with the products obtained.

Article 1. Persons desiring to engage in commercial fishing in territorial waters of the Gulf of Mexico and the Caribbean Sea, using boats of foreign registry and sending their products to foreign markets, must pay the following fees:

I. For each general fishing permit, annually:

a.	Boats up to two net tons capacity	$ 50.00
b.	Boats over two net tons capacity but not exceeding 15	100.00
c.	Boats exceeding 15 net tons capacity but not exceeding 50	200.00
d.	Boats exceeding 50 net tons capacity but not exceeding 100	300.00
e.	Boats exceeding 100 net tons capacity but not exceeding 200	400.00
f.	Boats exceeding 200 net tons capacity	500.00

II. For use of boats of foreign registry, annually:

a.	Boats up to 2 tons net capacity	50.00
b.	Boats exceeding 2 tons net capacity but not exceeding 15	200.00
c.	Boats exceeding 15 tons net capacity but not exceeding 50	500.00
d.	Boats exceeding 50 tons net capacity but not exceeding 100	1,000.00
e.	Boats exceeding 100 tons net capacity	2,000.00

When two or more boats are used, the tonnage is taken together and payment of the fees fixed in the two preceding subheadings is made on the basis of the total tonnage.

If after obtaining a general permit for fishing or authorization for the use of foreign vessels, there is requested amplification of the permit or of the authorization, increasing the tonnage so that it exceeds that shown in the class applicable to the permit, the difference

in fees between the two classes shall be paid in accordance with the time remaining in the permit.

III. Annual registry of vessels for each net ton capacity or fraction thereof . . $ 5.70

IV. Annual registry of nets, for each linear meter or fraction thereof measured on the cork line 21

For fiscal purposes the year will be counted from the date of the general permit, from the authorization for the use of foreign vessels, or from the registries of boats and nets.

V. For the issuance of identification cards, valid only during the year in which they are issued:

a. To non-resident foreigners . . . . . $ 4.00
b. To nationals or resident foreigners 1.00

VI. "Via la Pesca" clearance, on the storage capacity of each boat per net ton:

	For Boats Using	
	Nets	Bait
a. Up to two tons	$	$ 31.25
b. More than 2, but not exceeding 3 tons	75.00	75.00
c. More than 3 but not exceeding 15 tons	81.25	81.25
d. More than 15 but not exceeding 120 tons	62.50	50.00
e. Over 120 tons:		
From February 20 to November 15 of the same year . .	62.50	50.00
From November 16 of one year to February 19 of the following year	31.25	31.25

For purposes of paragraph e. of this section, there is taken into account the season at which the fishing trip is made, independently of the date on which the clearance may be issued.

Article 2. Individuals and organizations owning foreign vessels engaged in sport fishing in national waters of the Gulf of Mexico and the Caribbean Sea shall pay the following fees:

I. Special sport fishing permit, annually $800.00

II. For the use of boats of foreign registry, the fees shown in section II of Article 1.

III. For the registry of vessels and the issuance of identification cards, the fees listed in section III and V of said Article 1.

Article 3. Individuals and organizations owning vessels of Mexican registry engaged in sport fishing in national waters of the Gulf of Mexico and the Caribbean Sea will pay the following fees:

I. Special sport fishing permit, annually . . . . . $ 5.00

II. For the registry of vessels and the issuance of identification cards, the fees listed in section III and V of Article 1, reduced to the fourth part.

Article 4. Owners of private yachts or of portable boats of foreign registry which enter Mexican waters of the Gulf of Mexico and the Caribbean Sea to engage in sport fishing, shall pay the following fees:

I. Private Yachts. Sport fishing permit, valid for one month $25.00

II. Portable, other. Sport fishing permit, valid for one month 4.00

III. Registry of boats, monthly, per net ton capacity or fraction 60

IV. Issuance of identification cards, valid only during month of issuance:

a. For non-resident aliens 50
b. For nationals or resident aliens 25

When the vessels referred to in section II are handled by their owners, the fees for identification cards for crew shall not be required.

The owners of sport boats of Mexican registry shall be exempt from the fees shown in this Article.

Article 5. Persons engaging in sport fishing in national waters of the Gulf of Mexico and the Caribbean Sea shall pay the following individual fees:

I. Sport fishing on board foreign boats as mentioned in Article 2, per day . $ 2.50

II. Sport fishing on board boats of private ownership or of Mexican registry:

a. Nationals and resident aliens:
Valid for one month 1.00
Valid for three months 2.50
Valid for one year 9.00

b. Non-resident foreigners:
Valid for three days 2.00
Valid for one month 4.00
Valid for three months 10.00
Valid for one year 20.00

Article 6. The fees shown in Article 1 apply only when the fiscal proceedings originate and are collected in national ports legally authorized for this purpose.

Otherwise there will be applied an increase of 25% in each payment, except in the case of boats not exceeding 10 tons net capacity, which will not be subject to any increase even though the fees in question originate and are paid abroad.

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